

Glenn Goldsmith, President  
A. Nicholas Krupski, Vice President  
Eric Sepenoski  
Liz Gillooly  
Elizabeth Peeples



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**BOARD OF TOWN TRUSTEES**  
**TOWN OF SOUTHDOLD**

**Minutes**

**Wednesday, March 16, 2022**

**5:30 PM**

**Present Were:** Glenn Goldsmith, President  
A. Nicholas Krupski, Trustee  
Eric Sepenoski, Trustee  
Liz Gillooly, Trustee  
Elizabeth Peeples, Trustee  
Elizabeth Cantrell, Senior Clerk Typist  
Lori Hulse, Board Counsel

**CALL MEETING TO ORDER**  
**PLEDGE OF ALLEGIANCE**

**TRUSTEE GOLDSMITH:** Good evening, and welcome to our Wednesday, March 16th, 2022 meeting. At this time I would like to call the meeting to order and ask that you stand for the pledge of allegiance.  
**(PLEDGE OF ALLEGIANCE).**

**TRUSTEE GOLDSMITH:** I'll start off tonight's meeting by announcing the people on the dais. To my left we have Trustee Krupski, we have Trustee Sepenoski, Trustee Gillooly, Trustee Peeples. To my right we have attorney to the Trustees, Lori Hulse. We have Senior Clerk Typist Elizabeth Cantrell and Court Stenographer Wayne Galante. From the Conservation Advisory Council we have John Stein. Agendas for tonight's meeting are posted on the Town's website and out in front.

We do have a number of postponements on tonight's agenda.

In the agenda on page four, number 1, under Wetland & Coastal Erosion Permits, Patricia Moore, Esq. on behalf of **LEVENT TEMIZ** requests a Wetland Permit and a Coastal Erosion Permit for the existing (2,317sq.ft.) two-story dwelling with attached garage and to construct a new 155sq.ft. addition onto the center of the dwelling on the seaward side with a second-floor terrace above; for the existing 11.4'x4.1' storage room under existing stairs on west side of dwelling; existing 927sq.ft. swimming pool; for the existing 90' of pool fencing along seaward side of deck, 75' along east side, and 75' along west side with 15' to the dwelling with gates; existing decking around and seaward of pool is in part above grade and at grade and is to be modified by resurfacing the 830sq.ft. Seaward portion of decking with existing structure to remain undisturbed, and existing portion

of deck around pool is being replaced with a 2,302 stone patio on granular base and permeable joints on grade which includes a 4' expansion on the west side of patio; expand existing 81sq.ft. wood deck on westerly side of dwelling an additional 195sq.ft. for a total 276sq.ft. and install a 7'10"x9'2" hot tub on deck; resurface existing 42sq.ft. easterly side deck; and for the existing 70sq.ft. landing leading to 4'x20' stairs to beach.

Located: 57305 County Road 48, Greenport. SCTM# 1000-44-2-3 has been postponed.

On page nine, we have numbers 16 through 19. On page ten, we have numbers 20 through 25. And on page eleven, we have numbers 26 through 29, which are all postponed. They are listed as follows:

Number 16, Michael Kimack on behalf of **SOUTHOLD BAYHAVEN PROPERTY OWNERS ASSOCIATION** requests a Wetland Permit to remove approximately 150' of existing bulkhead, landing with staircase and wood walkway; install approximately 166 linear feet of new vinyl bulkhead with dead-men tie-backs; remove approximately 527sq.ft. of American Beach grass with approximately 85 cubic yards of soil and approximately 20 linear feet of 12" PE corrugated drain pipe, and replace with approximately 25 cubic yards of beach sand to extend beach landward of easterly removed existing bulkhead line; remove approximately 564sq.ft. of American Beach grass in area seaward of easterly existing bulkhead line and replace with approximately 21 cubic yards of beach sand (total beach grass removed is  $\pm 1,091$ sq.ft.); relocate approximately 70 linear feet of 12" PE corrugated pipe which proposed "V" rip-rap tapered swale runoff; construct new replacement 4.5'x7' (31.5sq.ft.) landing and 3'x24' (72sq.ft.) wood walkway in same locations as existing; and establish new American Beach grass planting area ( $\pm 1,200$ sq.ft.) to replace areas lost in kind.

Located: 975 Watersedge Way, Southold. SCTM# 1000-88-5-64

Number 17, Sea Tech, LLC on behalf of **BARBARA BODKIN** requests a Wetland Permit to reconstruct in place 125 linear feet of timber/concrete bulkhead with new Navy style vinyl bulkhead; construct two (2) 8' returns; remove and replace existing landward 4.5' wide wood boardwalk, 70sq.ft. over-water wood platform, and retaining walls as required; and to install 30 cubic yards of clean fill from an approved upland source.

Located: 610 Bayview Drive, East Marion. SCTM# 1000-37-5-2

Number 18, Jennifer Wicks on behalf of **FRANK & CHRISTINE MANGANO** requests a Wetland Permit for the existing one-story dwelling and attached garage with a 2,138sq.ft. footprint; construct a 37.3'x29.7' (1,107.8sq.ft.) second-story addition with a 31'x8' (248sq.ft.) second story deck.

Located: 370 Sunset Way, Southold. SCTM# 1000-91-1-7

Number 19, Richard Boyd, R.A. on behalf of **CHRISTINE HOWLEY** requests a Wetland Permit to install a seaward retaining wall 210 linear feet long and 46" high at the east side of the property and 30' from the wetlands with a set of stairs with landing (112sq.ft.); a second landward 58 linear foot long and

26" high retaining wall at the south side of dwelling; a 41sq.ft. outdoor bbq area; and to add approximately 250 cubic yards of fill to raise the grade tapering from 0" to 18" at the perimeter of the dwelling.

Located: 320 Sailors Needle Road, Mattituck. SCTM# 1000-144-5-29.3

Number 20, Raymond Nemschick, AIA on behalf of **ROGER SIEJKA** requests a Wetland Permit to construct a two-story, single-family dwelling with a basement; first floor is 24'5" wide by 50'0" deep; front porch is 11'0" wide, 6'2" deep; rear veranda (deck) is 24'5" wide by 10' deep; and overall max height is 32'3".

Located: 955 Blossom Bend, Mattituck. SCTM# 1000-115-6-22

Number 21, Jeffrey Patanjo on behalf of **SADIK HALIT LEGACY TRUST** requests a Wetland Permit for the as-built bluff stairs consisting of the following: 4'x4' at-grade top landing to an 8,2'x9.5' upper platform to 18'x4' steps down to an 8'x3.8' middle platform to 16'x4' steps down to a 19.4'x10' lower platform to 14.5'x4' steps down to beach; all decking on structure is of untreated lumber.

Located: 2200 Sound Drive, Greenport. SCTM# 1000-33-1-16

Number 22, Cole Environmental Services on behalf of **SCOTT & LEA VITRANO** requests a Wetland Permit to remove existing pier and float; construct a proposed 4'x14' landward ramp leading to a 4'x35' fixed pier with Thru-Flow decking a minimum of 4' above wetlands; a proposed 3'x12' metal ramp; and a 4'x20' floating dock situated in a "T" configuration and secured by two (2) 8" diameter piles.

Located: 3875 Main Bayview Road, Southold. SCTM# 1000-78-2-15.1

Number 23, Cole Environmental Services on behalf of **JUSTIN & ALLISON SCHWARTZ** requests a Wetland Permit to construct a proposed 4'x165' fixed pier with open grate decking a minimum of 4' above tidal vegetative grade; a 3'x16' aluminum ramp; a 6'x20' floating dock situated in an "T" configuration; and to install a natural path leading from upland to fixed pier using permeable material.

Located: 2793 Cox Neck Road, Mattituck. SCTM# 1000-113-8-7.6

Number 24, Costello Marine Contracting Corp. on behalf of **JOSEPH & MARY ELLEN LOGIUDICE** request a Wetland Permit to construct a 4'x40' landward ramp onto a 4'x110' fixed dock with a 4'x40' "L" section at seaward end; construct a 4'x40' lower platform with a 5'x4' access platform and a 4'x16' ramp; install three (3) two-pile dolphins; and provide water and electrical service to dock.

Located: 10995 North Bayview Road, Southold. SCTM# 1000-79-5-20.14

Number 25, Jeffrey Patanjo on behalf of **ANTHONY & BEATRICE FALCONE** requests a Wetland Permit to install a proposed 4'x6' cantilevered platform off of bulkhead; a 30" wide by 14' long aluminum ramp; and a 6'x20' floating dock supported with two (2) 10" diameter CCA piles and situated parallel to the bulkhead.

Located: 405 Williamsberg Road, Southold. SCTM# 1000-78-5-17

Number 26, Costello Marine Contracting Corp. on behalf of

**FOUNDERS LANDING BOATYARD, LLC** requests a Wetland Permit for a Ten (10) Year Maintenance Dredge Permit to dredge a 2,400sq.ft. area to -7.0' below mean low water, removing approximately 240 cubic yards of spoil; dredge spoils to be trucked off site to an approved disposal site.

Located: 2700 Hobart Road & 1000 Terry Lane, Southold;  
SCTM's 1000-64-3-10 & 1000-64-3-11

Number 27, Michael Kimack on behalf of **TIMOTHY J. &**

**GINAMARIE STUMP** requests a Wetland Permit to construct approximately 315 linear feet of hybrid low sill bulkhead; backfill with approximately 100 cubic yards of course clean sand just below lowered sheathings; maintain approximately 2 ½ to 1 slope from top of sloughed bank and then flat to bulkhead; install approximately 3,200sq.ft. of filter fabric over disturbed area and fasten with 8" galvanized pins; plant spartina alterniflora to high water mark and then spartina patens to undisturbed line @ one (1) foot on-center (±3,200 plants).  
Located: 2200 Minnehaha Boulevard, Southold. SCTM# 1000-87-3-61

Number 28, Michael Kimack on behalf of **JANICE HILLMAN**

**SHYLES a/k/a JANICE HILLMAN REVOCABLE TRUST** requests a Wetland Permit to construct a 4'x18' walkway with a staircase consisting of three (3) treads and four (4) risers with Thru-Flow decking (72sq.ft.), connected to a 4'x24' fixed dock with Thru-Flow decking (96sq.ft.), 168sq.ft. total; and to install 14 - 8" diameter pilings.  
Located: 8340 Main Bayview Road, Southold. SCTM# 1000-87-5-23.2

Number 29, Michael Kimack on behalf of **MARIA H. PILE** requests a Wetland Permit to construct a 36.0'x34.7' (1,249.2sq.ft.) two-story dwelling on foundation in accordance with FEMA standards for a AE zone; and a pervious driveway.  
Located: 420 Lake Drive, Southold. SCTM# 1000-59-1-21.2

Under Town Code Chapter 275-8(c), files were officially closed seven days ago. Submission of any paperwork after that date may result in a delay of the processing of the applications.

## **I. NEXT FIELD INSPECTION:**

TRUSTEE GOLDSMITH: At this time I'll make a motion to hold our next field inspection on Tuesday April 5th, 2022, at 8:00 AM.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

## **II. NEXT TRUSTEE MEETING:**

TRUSTEE GOLDSMITH: I make a motion to hold the next Trustee meeting Wednesday, April 13th, 2022, at 5:30 PM, at the Town Hall main meeting hall.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

**III WORK SESSION:**

TRUSTEE GOLDSMITH: I make a motion to hold our next work session on Monday, April 11th, 2022, at 5:00PM at the Town Hall Annex 2nd floor Executive Board Room; and on Wednesday, April 13, 2022, at 5:00PM in the Town Hall Main Meeting Hall.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

**IV. MINUTES:**

TRUSTEE GOLDSMITH: Motion to approve the Minutes of February 16th, 2022.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

**V. MONTHLY REPORT:**

TRUSTEE GOLDSMITH: The Trustees monthly report for February 2022. A check for \$6,758.65 was forwarded to the Supervisor's Office for the General Fund.

**VI. PUBLIC NOTICES:**

TRUSTEE GOLDSMITH: Public Notices are posted on the Town Clerk's Bulletin Board for review.

**VII. STATE ENVIRONMENTAL QUALITY REVIEWS:**

TRUSTEE GOLDSMITH: RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section XIV Public Hearings Section of the Trustee agenda dated Wednesday, March 16, 2022 are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Seth & Barbara Eichler SCTM# 1000-51-1-6  
Southold Bayhaven Property Owners Association SCTM#  
1000-88-5-64  
has Holdings, LLC, c/o Sean Peters, Member SCTM# 1000-123-8-7  
Amnon & Kathleen Bar-Tur SCTM# 1000-24-2-26.4  
John & Lynn Scott SCTM# 1000-71-1-5  
James W. Kopphen Trust, c/o Glenna Ryan SCTM# 1000-77-1-3  
Eileen B. Oakley SCTM# 1000-103-9-13.1  
Joseph & Deborah Polidora SCTM# 1000-114-1-1  
Timothy & Nancy Burke SCTM# 1000-86-6-7  
Florence Vasilakis, Alexander Vasilakis & Demetrios Vasilakis  
SCTM# 1000-135-1-6

TRUSTEE GOLDSMITH: So moved.  
TRUSTEE GILLOOLY: Second.  
TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

#### **XI. RESOLUTIONS - ADMINISTRATIVE PERMITS:**

TRUSTEE GOLDSMITH: Under Roman numeral XI, Resolutions - Administrative Permits. In order to simplify our meetings, the Trustees regularly group together applications that are similar or minor in nature. As such, I will make a motion to approve as a group numbers 1, 3, 4, 5 and 7, as follows:

Number 1, James Maye on behalf of **JENNIFER MAYE & JOHN P. BERNHARD** requests an Administrative Permit for an as-built 8'7"x19'3.5" deck with steps and as-built 5'1"x3"10" outdoor shower. Located: 2285 Little Neck Road, Cutchogue. SCTM# 1000-103-10-1

Number 3, **KATHLEEN CHAMBERLAIN** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to 12" in height by hand, as needed and to remove other invasive species, as allowed.

Located: 515 Lakeview Avenue, Peconic. SCTM# 1000-67-3-6

Number 4, George B. Cook on behalf of **TOWN OF SOUTHOLD** requests an Administrative Permit to change a 70'x70' parking area to a "green space" by adding dredge spoils from Silver Eel Cove to existing parking surface. The sand will be the foundation for planting with native plants i.e., American Beach grass. Located: West of Silver Eel Cove entrance channel, Fishers Island. SCTM#: 1000-12-1-4.4

Number 5, Rowan Permit Expediting Services on behalf of **CVJB, LLC** requests an Administrative Permit to demolish second story deck and construct a 68'7"x17' (879 sq.ft.) Irreg. Deck with 3.5'x4' (14 sq.ft.) landing with steps to grade 11' long (38.5 sq.ft.); with a 14.5'x67' (971sq.ft.) paver patio located under decking not to exceed footprint of deck; with a 4'x8' (32 sq.ft.) outdoor shower.

Located: 1390 Demarest Road, Orient. SCTM#: 1000-13-2-7.7

Number 7, Cole Environmental Services on behalf of **LEE & HAKAN ERGULEC** requests an Administrative Permit to install a 4' high pool fence running +/-536' fully closing rear yard following the rear and side property lines, connecting to the house on both sides. (Proposed pool is outside Trustee jurisdiction); plant native, non-fertilizer dependent vegetation along the rear property line and extending east along both side property lines.

Located: 1580 Country Club Drive, Cutchogue. SCTM# 1000-109-3-2.16

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: Number 2, Glynnis M. Berry, AIA on behalf of **ANTIGONE AMENGUAL & RANDOLPH AMENGUAL** requests an

Administrative Permit to remove three (3) cesspools, abandon one (1) cesspool and replace with the installation of an I/A OWTS sanitary system and gravity fed shallow dispersal field.

Located: 220 Oak Avenue, Southold. SCTM# 1000-77-2-4

Trustee Peeples did a field inspection on March 9th, noting that the application was straightforward, and noting the need for a ten-foot non-turf buffer.

We did receive new plans stamped received March 11th, 2022, that do show a non-turf buffer, ten foot. So as such I'll make a motion to approve this application with the condition of a ten-foot non-turf buffer, as shown on the new plans dated March 11, 2022.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 6, William A. Scherer, RA on behalf of **MICHAEL HOVEY** requests an Administrative Permit to construct a 421 sq.ft. deck with a partially recessed hot tub.

Located: 5775 Nassau Point Road, Cutchogue. SCTM# 1000-111-13-5

Trustee Krupski conducted a field inspection March 11th, 2022. We reviewed the plans further at work session.

The LWRP found this to be consistent.

I will make a motion to approve this application with the condition that the hot tub be connected to a drywell landward of the deck.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

## **X. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:**

TRUSTEE GOLDSMITH: Under Applications for Extensions, Transfers, Administrative Amendments, similarly, we group applications together that are minor or similar in nature. As such, I'll make a motion to approve as a group items 1 through 4. They are listed as follows:

Number 1, Patricia C. Moore on behalf of **LOT 3.1**

**OURDREAMISLE, BBG LLC** requests a Transfer of Wetland Permit #1413, as issued on February 14, 1980 from Diane Gazza to Lot 3.1 Ourdreamisle, BBG LLC.

Located: 2710 Cedar Beach Road, Southold. SCTM# 1000-91-1-3.1

Number 2, Inter-Science Research Associates, Inc., on behalf of **DOMELUCA II, LLC** requests an Administrative Amendment to Wetland Permit #9863 to demolish existing barn and shed, construct new single-family residence with an overall footprint of 27'-2"x57'-5"; 20'-8½"x 75'-8" patio and a second 26'-1½"x32'-0" patio running east; 5'-10" x 61'-2" Long Walkway Descending Westward; the proposed driveway does extend into the 100 foot setback; the proposed driveway is, however, located

within the footprint of the existing driveway; with the condition of the installation of an Innovative/Alternative Wastewater Treatment System and that the lower fence is removed two (2) years after installation and after the establishment of vegetation.

Located: 14895 Route 25, East Marion. SCTM# 1000-23-1-2.10

Number 3, **LANCE & ERIN FARLEY** request an Administrative Amendment to Administrative Permit #9828A for an as-built 15'x16' on grade paver patio.

Located: 105 Fleetwood Road, Cutchogue. SCTM# 1000-137-4-8

Number 4, Patricia C. Moore on behalf of **DANNY FISHER, BARBARA KENT, JACK FISHER & DIANA SEDENQUIST** requests an Administrative Amendment to Wetland Permit #9904 for the existing 38 sq.ft. deck to be replaced in-kind (4'x12'11"); existing 52 sq.ft. deck to be replaced in-kind (18'2"x7'11"); and existing 23'8"x14'6" deck to be replaced in kind.

Located: 1652 Bridge Lane, Cutchogue. SCTM# 1000-118-1-4.1

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

### **XIII. MOORINGS/STAKE & PULLEY SYSTEMS:**

TRUSTEE GOLDSMITH: Under Roman numeral XIII, Moorings/Stake & Pulley Systems, motion to approve number 1, **BERNADETTE**

**IZZILLO-SOMMER** requests a Mooring Permit for a mooring in Gull Pond for a 17' motorboat, replacing Mooring #20. Access: Public

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

### **XIV. PUBLIC HEARINGS:**

TRUSTEE GOLDSMITH: Under Roman numeral XIV, Public Hearings. At this time I'll make a motion to go off our regular meeting agenda and enter into public hearings.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: This is a public hearing in the matter of the following applications for permits under the Wetlands Ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public.

Please keep your comments organized and brief, five minutes or less if possible.

### **AMENDMENTS:**

TRUSTEE GOLDSMITH: Under Amendments, number 1, we have Michael Kimack on behalf of **SETH & BARBARA EICHLER** requests an Amendment to Wetland Permit



#9753 & Coastal Erosion Permit #9753C to install a rock revetment consisting of 2-4 ton boulders in base and 1-2 ton boulders for upper courses with filter fabric under and landward of boulders for 100 linear feet along base of shoreline, and consisting of approximately 225 total tons; install approximately 560 cubic yards of clean fill to restore grade, install two (2) layers of burlap over the filled areas and where no vegetation exists; install 2"x12" untreated timber boards @ 10' intervals, staked into the ground with 4"x4"x4' untreated timber stakes @ 4' on-center; plant burlaped areas with American Beach grass @ 1' on-center over all covered areas; reset, rebuild and add to existing bluff stairs consisting of a 4'x12' (48sq.ft.) top landing; rebuild and reconfigure existing 4'x19.5' (78sq.ft.) Staircase; add new 4'x5' (20sq.ft.) bottom platform with 3'x8' (24sq.ft.) Removable aluminum staircase for a total staircase of 170sq.ft. Located: 17915 Soundview Avenue, Southold. SCTM# 1000-51-1-6.

The LWRP found this to be inconsistent and consistent. The inconsistency is the photos submitted show nest of the Barn Swallow on the bluff. The removal or causing adverse impact to the nesting area is not supported by Policy 6, protect and restore the quality and function of the Town of Southold eco-systems. It is recommended that alternative rolling control methods in that section and not remove the habitat or source if the nests are determined to be active.

Installation of rock revetment is consistent.

The Conservation Advisory Council resolved to support the application.

The Trustees most recently conducted field inspection March 9th, 2022, noting that the rock revetment was straightforward. Both neighbors currently have rock revetments. Also stipulate a 2:1 slope for the proposed rock revetment and non-turf buffer at the top of the bluff.

Is there anyone here who wishes to speak regarding this application?

MR. KIMACK: Michael Kimack on behalf of the applicant. Good evening. I had submitted to you a revised site plan showing the ten-foot buffer which you have in your possession, and I am aware that LWRP picked up the fact that there may be some Barn Swallows holes over there. And I did go on site, so you got it. And there are some holes.

Now, I would make a -- these holes, basically, where they are situated here, if you take a look at this, they are right up in here, if you look at the drawing I handed in, you'll see this is the highest part of the V, on the steepest part, on the vertical part. So far this particular area, I hadn't noticed when I was there maybe a year ago, so this might be pretty recently, it's in the most vertical side and it's certainly subject to further erosion. But I would make this recommendation. The Barn Swallow nesting period, according to, is the middle of April to the end of August. Primarily. And if you look at, this is the highest part or furthest part away. I would recommend or at least make a recommendation we be granted a permit with the condition that there would be no disturbance in that area until after September 1st. We could certainly put the rock revetment in and work on the rest of it all the way up to that one spot, and after September 1st or whatever the date comes, no less earlier than that, then we would close that spot off.

I took pictures of everything else but most of the other bank has been eroding, so if there was any, the rest of the place, but the rest it was at an angle like this, and the Barn Swallows don't go into that. They really like almost vertical faces. And this is the only vertical face there, at the highest point, which at the rate the erosion is going, it may not be there, tomorrow, depending upon the storms.

TRUSTEE GOLDSMITH: Mr. Kimack, you have a DEC permit for this project as well?

MR. KIMACK: We have a DEC permit, yes.

TRUSTEE GOLDSMITH: Does the DEC permit stipulate anything about the --

MR. KIMACK: It did not.

TRUSTEE GOLDSMITH: Okay. Thank you. Is there anyone else here wishing to speak regarding this application?

(No response).

Any questions or comments from the Board?

(Negative response).

TRUSTEE GOLDSMITH: Hearing none, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the new plans stamped received March 10th, 2022, and with the condition that no construction is to take place to disturb the nesting area prior to September 1st. That's my motion. And thereby bringing it into consistency with the LWRP.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. KIMACK: Thank you.

#### **WETLAND PERMITS:**

TRUSTEE KRUPSKI: Number 1 under Wetland Permits, Michael Kimack on behalf of **SAND LENNOX, LLC** requests a Wetland Permit to demolish and remove existing 554sq.ft. Dwelling with porch; abandon existing sanitary system and back fill with clean course sand; construct a proposed two-story, four (4) bedroom dwelling with covered decks (2,412sq.ft.), and a gravel driveway; install gutters to leaders to drywells; install a proposed four (4) bedroom I/A OWTS system in accordance with Suffolk County Health Department standards; remove 19 trees of varying calipers; and to install and perpetually maintain a 30' wide non-turf buffer along the landward crest of bluff. Located: 1450 Salt Marsh Lane, Peconic. SCTM# 1000-68-3-1

The Trustees most recently inspected this on the 14th of March and noted that needs to show the drainage for the structure including the pool. Prior to that the Trustees had requested new plans showing the house pulled back away from the bluff as it shows a lot of erosion in this location.

The LWRP coordinator found this to be inconsistent for that exact reason. This stretch of coastline is highly erosive, and structures should be located to the greatest extent practicable, meeting Policy 4.1 minimizing loss to human life, structures, from flooding and erosion hazards.

The Conservation Advisory Council resolved to support the application with the recommendation the proposed dwelling is moved further landward and away from the CEHA, all trees along the bluff should be left in place, and minimal removal of trees between the house and bluff.

Is there anyone here that wishes to speak regarding this application?

MR. KIMACK: Michael Kimack, on behalf of the applicant.

Based on the last meeting that we had, we talked to the owner and the architect, and they'll have revised the plan, moving it back ten feet, essentially closing, putting us into a variance situation with the Zoning Board, which I'm not too worried about, because it's not self-inflicted in that sense.

If you look at the -- I just also gave you some sheets today showing the drainage

for the pool and also the drywells. We are back basically on one corner of the foundation, 80 feet, and on the other side, I think it went to 89 feet on the other side of the foundation. And you can see the line, the 80 feet coming across there. Yes, there is a small section of the second floor deck that does extend past it, but it's fairly minimal in nature.

TRUSTEE KRUPSKI: Is the pool drywell called out, specifically?

MR. KIMACK: Yes, it's the lower one, Nick. For the pool washout it's eight foot by six foot depth, on the southern side of the property.

TRUSTEE KRUPSKI: Yes, I see it.

MR. KIMACK: And then he ran the calculations for the other drywells on both sides of the house.

TRUSTEE PEEPLES: So this accounts for the terrace on the roof as well?

MR. KIMACK: Yes. Basically when you look down, basically, you do, you calculate all of your square footage, primarily, as you look down. And essentially it really doesn't include the eaves overhanging, generally, when they do these, in furtherance of the house itself. Then you multiply that by 0.167, which is the two-inch rainfall, which gives you the cubic feet and then you, normally in an eight-foot diameter is 42.22 cubic feet per vertical foot, so you can then decide what size drywell you have to put in, in order to meet the storm water requirement.

TRUSTEE GILLOOLY: Can you discuss the terracing a little bit, what the plan is with that?

MR. KIMACK: Well, in essence, basically, this particular piece of property, they really don't have much place to be able to sit and have chairs, essentially like that. If you look at the drawings, it's all flat on the ground, essentially like that. It's just a step terrace and patio going into it. We stay out of the 50-foot setback, essentially like that, and we still have the, I think part of that is also the 30-foot non-turf buffer, which he doesn't have, but it's on the other plans, essentially like that.

TRUSTEE PEEPLES: In looking at the --

MR. KIMACK: Actually, on this particular one, he's calling it a non-disturbance buffer 50 feet.

TRUSTEE PEEPLES: What I was starting to say before, in looking at this plan with the new terracing that has been added, it looks like there is a more impervious terrace and then there seems to be these almost like footpath-style pieces --

MR. KIMACK: Yes, they are --

TRUSTEE PEEPLES: Excuse me. I just want to finish my comment here. I just want to confirm that those pieces that look like the stepping stone would have pervious joints or there is some sort of, it looks almost like there is grass that is indicated on the plan?

MR. KIMACK: Yes. And I agree with you on that particular one. They could be set without being set in, impervious material, and there is no grouting on that. That can be a condition of that. Which the way they are spaced would allow certainly permeability there.

TRUSTEE PEEPLES: Okay, thank you.

TRUSTEE KRUPSKI: Have you provided us with a new description? I checked the file for this application. There was quite a few extensive changes from the first iteration of the submission until now.

MR. KIMACK: It's the same house footprint, we just moved it back. We had to play around a little bit but essentially it's the same footprint. We moved back about ten feet.

TRUSTEE KRUPSKI: I don't think the terracing is involved, right?

MR. KIMACK: I don't believe so. I can upgrade it. I can upgrade the description more specifically. I apologize for missing that point.

TRUSTEE KRUPSKI: No problem at all. I think the other thing is, you know, the Conservation Advisory Council mentions saving trees. Certainly a lot less trees at this site than there was historically when we first started visiting this area, salt marsh land Blue Horizon Bluff. I do feel that we need a modified description for the house, to include the terracing, and I think it would be appropriate to include some sort of simple planting plan. Because that non-disturbance buffer really should remain undisturbed, but I for one, at least, would like to see it planted prior to becoming a non-disturbance buffer.

MR. KIMACK: Do you want to make sure blueberry and bayberry is in there, roughly?

TRUSTEE KRUPSKI: I would think so. The Conservation Advisory Council referenced trees, maybe put a couple of native trees, too.

MR. KIMACK: What I can do, I think is, I had given you, I think one of the things I had presented in my original application was the number of trees that were coming down, primarily. Now that we moved it back, I think one of the recommendations was are there any trees there that can be preserved that are not dead or dying, primarily. There may be some up there. Let me take another look at those trees, resubmit to you a, those that can be saved that are within the 50-foot disturbance buffer.

Non-disturbance. Which would be a matter of course anyway. And I'm not quite sure whether or not the ones that are up there, whether they are healthy or not. I have to take a look at that, and then I'll give you the 50 foot and make a recommendation for some planting, some indigenous.

TRUSTEE GOLDSMITH: Yes, I think maybe like a one-to-one replacement.

TRUSTEE KRUPSKI: Yes.

MR. KIMACK: Essential if we took a tree down there, put it some place else.

TRUSTEE GOLDSMITH: Correct.

TRUSTEE KRUPSKI: Ideally, and then some planting so the buffer is not just grass because --

MR. KIMACK: What we can do, basically, is perhaps, we have a non-disturbance there, we had recommended a 30-footer so we can basically do planting within the 30 foot, if that's acceptable.

And then --

TRUSTEE KRUPSKI: Which 30? You mean the 50?

MR. KIMACK: You want to do the 50 on the non-disturbance?

TRUSTEE KRUPSKI: Yes.

MR. KIMACK: Okay. We have done this back and forth.

TRUSTEE KRUPSKI: I think it would be good to plant that and then

leave it non-disturbance following that. But in the meantime it could use what I call a restoration.

MR. KIMACK: Okay.

TRUSTEE KRUPSKI: Does anybody else have any thoughts or comments?

TRUSTEE GILLOOLY: Just to remember Trustee Peeples' recommendation that the edges remain permeable on the terracing.

MR. KIMACK: Yes, that actually is a fairly reasonable request. Because in this particular situation, you can easily set it on permeable material, and you really don't need to do grouting between --

TRUSTEE GOLDSMITH: And one more thing if you can specifically spell out the pool drywell. I know they are, just if you can, when you come up with new plans.

MR. KIMACK: It's on there, it says drywell, 8x6 pool washout.

TRUSTEE KRUPSKI: Does it say pool washout? That I missed.

MR. KIMACK: Yes.

TRUSTEE KRUPSKI: Okay.

TRUSTEE PEEPLES: Trustee Goldsmith, were you asking about it to be in the written description or just on the plan?

TRUSTEE GOLDSMITH: Probably both, but as long as we have in the plan.

MR. KIMACK: Generally we don't put it in the description. I mean, generally it's generally required as storm management anyway if we were doing the building permit. It's come to pass now where you more and more would like to see the drywells on there. I like to put the drywells on normally, because if we are going to the Health Department, the Health Department wants to make sure the distance between the drywells and septic and disposal pool meets their standards and criteria. So it's always better to know ahead of time if you have a space situation.

TRUSTEE PEEPLES: I think our comments about the specific pool drywell is due to the kind of unique nature of the fact that the pool is on the roof on this residence, so any sort of drainage of that is going to have the force of gravity also, and I just want to make sure the drywell is accommodating for that.

MR. KIMACK: Term six it will be fine. Of course there is no other place to put the pool except within the confines of the building on this particular site. So I understand, I will upgrade the description, I'll upgrade the buffer with a planting plan and be able to take a look at the trees, and if there are any trees healthy within the non-disturbance we'll take them off the to-be-cut list.

TRUSTEE KRUPSKI: Thank you. Is there anyone else who wishes to speak regarding this application or any additional comments from the Board?

(No response).

Hearing none, I'll make a motion to table the application for submission of new plans and description.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 2, Michael Kimack on behalf of **VASILIS**

**& CHRISTINE FTHENAKIS** requests a Wetland Permit to demolish and remove existing cottage, foundation, wood deck, and walkway at bluff; demolish and remove existing two-story frame house, foundation and associated structures near Nassau Point Road; construct a new foundation, new one-story dwelling with a 2,476sq.ft. footprint; install an on-grade 684sq.ft. stone and/or brick patio; and to remove six (6) trees of varying calipers.

Located: 6925 Nassau Point Road, Cutchogue. SCTM# 1000-111-15-9

The LWRP found this to be consistent, however there is a note, structures should be located as far from the bluff as possible and vegetative buffer width maximize.

The Conservation Advisory Council resolved to not support this application. The Conservation Advisory Council does not support the application as submitted. There is a concern with the destabilization of the bluff and the rear setbacks and proximity to the top of bluff.

The Trustees most recently conducted an inhouse review of this March 9th, 2022, where we reviewed the new plans. We do have new plans in the file, stamped received March 7th, 2022.

Is there anyone here wishing to speak regarding this application?

MR. KIMACK: Yes, Michael Kimack, on behalf of the applicants who are present this evening.

Based upon the last meeting we had with you, one of the things you asked us to do which has been done is to actively depict the average setback with the adjoining properties, primarily, and the surveyor went out there and picked it up, and if you look at the Peconic Survey, you'll see the line connected between those two houses. It was back further than originally from the aerial that we were able to depict. As a result of that, the house was moved back, redesigned and pushed back, to match, to be no more seaward than both sides, basically, on that one. I think it went back roughly about nine-and-a-half feet, if I remember. Or six feet from where it originally was put back.

At the present time, one corner is about 28.5 feet from the top of the bluff, which is somewhat indicative, the next door house which is just south of that, primarily, which you had looked at the distance I think was 32 feet. The houses along there are fairly close. I mean if we went a little further aground or a little further afield, you would find that a lot of them are within that range or even closer.

What makes it work for this is that they are all bulkheaded, essentially, which is a hardened toe, it works as well as it can against a storm event. And for the most part the VE lines come roughly to the top, if you look at the top of the bulkhead, the VE line comes to up to about nine on this case. So the bulkhead does not take the brunt of the storms, and I say that only because the only reason there would be a danger to the house would be if there is loss of bluff, primarily, and the bulkhead at that level basically takes the energy out of the

wave action, primarily. The bluff is in good shape, its well vegetated, it has not been subject to any mass erosion, which is indicative of the fact that the bulkhead is doing what it's doing, providing protection for the bluff, and therefore providing protection of the slope and providing protection that the bluff won't be receding any further back landward.

TRUSTEE GOLDSMITH: Okay. One of the things that we did note, and you know, you mentioned, the bottom of the bluff being protected from the bulkhead, but there is also a concern with the top of the bluff, and with the setback from the top of the bluff to this considerable structure, right now there is a ten-foot proposed vegetated buffer. We discussed potentially increasing that to 20-foot to protect the top of the bluff from further erosion. At work session we talked about not wanting to see any structures seaward of the current proposed house location. And increasing the bluff, increasing the buffer at the top of the bluff to protect that bluff from further erosion. Also had questioned, looks like there were four trees toward the top of the bluff that are to be removed. And if I'm not mistaken from reading these plans, was that to accommodate a patio?

MR. KIMACK: There is a patio proposed to go in front. There is a patio right now, there is an existing deck, as you well know, just seaward of the existing cottage, primarily, which the cottage is coming down. But there is going to be a patio, I think it shows it there. It doesn't show it in here, primarily, but I think it shows on the architectural drawings. But that is a patio proposed essentially in the footprint of the old house.

TRUSTEE GOLDSMITH: So that is one of the things that we are looking to avoid. We would look to get a 20-foot vegetated buffer.

MR. KIMACK: I would say that is, I think that's an unreasonable overreach on your part, because they need some level of deck or patio in front. They can't just walk out on to an undisturbed area. Everyone else has it there. Next door we've done a lot of these along the way. They all basically are close. As a matter of fact, the one north of it is ten feet away with a deck.

TRUSTEE GOLDSMITH: This particular location, as you are well aware, has plenty of room on the landward side. It is right up at the line of the pier line currently proposed. The existing cottage was pretty much on the bluff. With the deck being right there --

MR. KIMACK: If we did, if we conform to what you do normally do, the minimum of ten, we could work and still have a patio of some reasonableness behind it on the other side.

TRUSTEE GOLDSMITH: And I think we are pretty hard on looking for the 20 foot in this location. Which could potentially still give you, whatever that is, eight to ten foot quote unquote patio or area, but, you know, putting a patio or any sort of structure that close to the bluff is going to lead to erosion of that bluff, which is what we are looking to avoid. And by increasing that vegetated buffer at the top, that's what we hope to

accomplish, as well as preserving those trees, you know, those, just to remove trees to put a patio -

MR. KIMACK: We are doing it to protect the foundation, you are not saving -- the root system will be destroyed

TRUSTEE GOLDSMITH: The two most seaward?

MR. KIMACK: Yes, the most seaward of that. Plus I will point out, the house south of that, basically which is the 32 feet away, there is, there was a 16-foot patio on there that came within 15 feet of the top of the bluff. You had no problem with that. It has the same type of vegetated slope as this does.

TRUSTEE GILLOOLY: That application is not before us at this time.

MR. KIMACK: But the end result in terms of how you look at that particular application, how you decide it, was there was no reason under that one to limit the deck, the patio that was being put down, the distance from the top, and in the sense the end result of that is still a well-vegetated bluff, it has the patio within 15 or 20 feet of the top. And from that perspective I don't see where this one would step out of bounds with that particular determination.

TRUSTEE GOLDSMITH: It's hard for me to delineate from these plans, but what is your proposed distance from your 18-foot wide patio to the top of bluff?

MR. KIMACK: I'll ask the owner to address that.

MR. FTHENAKIS: Good evening. Thank you, for the question. Actually, we noted that cut the house back six feet and we had to make it more narrow, also, in order to fit in the space between the line of the two existing houses and the pool. We made the house three feet narrower. We had to. The whole idea is to have the house in that position, that location, so that we don't have to take it down the pool, because would be another \$150,000 for us, which is a big expense if we destroy the pool.

So we did sacrifice, we did all the planning to make a more narrow house. Now, the whole 28.5 feet from the edge of the bluff, we actually design to be no-turf and will be no disturbance there. The whole thing, not only the ten feet. I think, I don't call disturbance if we put ground pipes, I mean not there, we don't plan for any there. We plan, maybe would be leave everything in that area that we want to have the patio, but we propose a ground patio. Not a deck. And there will be stones with spaces between them for the rainwater to soak down. It would be like an essentially the whole ten feet non-disturbance, and the ten feet patio, the whole thing, would be no turf zone. The whole thing.

TRUSTEE GOLDSMITH: Do we have anything depicting that proposed patio or the construction anywhere in these plans that we received?

MR. FTHENAKIS: I think in the schematic that you have.

TRUSTEE GOLDSMITH: All I see is a new 18-foot wide non-turf area patio on grade.

MR. FTHENAKIS: Exactly. That one. Sorry, I misspoke. So 18 feet wide patio, no turf area. Plus the 10 feet no disturbance



completely. So we are talking about 28 feet from the edge of the bluff that will essentially be all of this no disturbance. Very slight disturbance on the patio area. But no construction. No construction there. We have no construction there.

TRUSTEE GOLDSMITH: So what is the proposed patio to be made of? Because we don't have anything in our plans.

MR. FTHENAKIS: Whatever actually is allowed, but would be ground patio, so probably slabs or stones that would be one next to the other, with spaces. We don't have any, and if you have any use for that, we gladly actually do the way you want it. But we have ground patio so that we can step on, anything that is permitted for a ground patio. Not a deck. It won't be elevated. We just need to have a space there that we can go out and have tables and chairs.

TRUSTEE GOLDSMITH: I think regardless we are going to need more clarity on what this proposed 18 foot or whatever dimension patio is to be constructed. We need to know what it's constructed of. If you are talking about patio stones, what is the distance between them, what material are you are looking to use, what is the dimensions. Because this just says 18-foot wide, but it doesn't show a length. So it's a little too vague for us to make a determination on currently, in my opinion.

MR. FTHENAKIS: I'm sorry but the length is actually shown by the dimensions there on the schematic. Implicitly, it is there. It is the length of the house. And that's 43.5. You can see that. The side of the house is listed as 43.5, and that is the length of the patio. By the way, the trees we have marked to be taken down, they are not only for the patio, they are also for the access for the stairs. For the stairs on the south side.

TRUSTEE GOLDSMITH: That was going to be my next point. Because I don't think -- there is that natural swale in that bluff. I don't think you want to do any construction, stairs or otherwise, into that swale. And, you know, to try to accommodate a patio right up to the edge of that swale to then further add construction of steps into that swale, and then you are talking about trying to preserve the bluff. I think we are counter-intuitive to protecting that bluff by doing that construction of stairs and everything like that and adding non-permeable material ten feet away from a quote unquote well vegetated bluff.

MR. FTHENAKIS: Actually, the report in the there, it's a natural slope there toward the swale. So we plan no construction. We plan even to have steps that will be, could be also stone, on that natural slope. There will be only, I think only four or five steps that may be there. We are not planning for any construction for those steps. It's a natural slope going down. And currently we go down without steps, from that particular, because the slope is small.

TRUSTEE GOLDSMITH: So why would you need steps?

MR. FTHENAKIS: All right, we can do without steps, even.

TRUSTEE GOLDSMITH: I'm confused on this, because the plans

stamped received March 7th, 2022, are a little too vague in my opinion. It says new steps from patio. It doesn't say length, width, material. New 18-foot wide non-turf area patio, no length, width, not in the project description, not on the plans, no construction material, no spacing, no anything. So this is a very tough ask to begin with. With the proximity to the bluff, and not having all the information, makes it even that much more difficult.

So I for one am not comfortable moving forward until we have more information and clarity on exactly what you are proposing to build, where you are building it, what you are building it of, what material.

MR. FTHENAKIS: Okay, understood. So I'll convey the message with my architect. So you need supplemental material. I thought only the drawings needed. Because all of that cannot be on the drawings.

TRUSTEE GOLDSMITH: No, we need more details and specificity on this. New steps from patio does not help us. What is the length? What is the width? It's not in your project description. It's not on your plans. It's just a vague rendering on the site plan with no accompanying details.

MR. FTHENAKIS: We are complying with whatever is needed. But let me understand. So you need supplemental material because this can not fit on a drawing, cannot be put on the drawing the type and number of steps.

TRUSTEE GOLDSMITH: Correct. So, you know, 4x6, four steps, made of "X". All that kind of stuff. We need that in order to make a determination. As you previously said, you are walking down there now without steps, so, you know, now to ask for vague steps to do what you are currently doing, which would add more construction right on the edge of a bluff, is a difficult ask.

MR. FTHENAKIS: Can you please give us some guidance for what would be allowed in terms of materials? Are there rules?

TRUSTEE GOLDSMITH: Like I said, we just need a more detailed plan with what exactly you are planning on doing, what you are planning on building, then we can make a determination based on that new material.

MR. FTHENAKIS: Can I ask a question for something parallel. This stage, the architect thinks of having cantilevered deck toward the sea. Five-feet cantilevered. So it doesn't show here on the footprint. But he advised us that actually we are better if we have actually posts on the deck. The posts that would be, he thinks would be best actually on the deck would be just, you know, basically 12 feet actually based on the post.

TRUSTEE GOLDSMITH: I think it would be best for you get back in touch with your architect and design a final plan and then present it to us. Because it doesn't seem to me like you know what you even want to build, so how can we possibly make a determination if you don't know what you want to do. How can we approve, not knowing anything? So I think you need to get back in touch with your architect. This application, currently what is

before us, is incomplete. We cannot make a determination based on what is here. You need to get back from your architect new plans, new project description of exactly what you plan on building, submit that to us, then we can come out in another site inspection, we can meet with you and Mr. Kimack or whoever, back on the site with final plans on what you want to do, the distance from the bluff, all that kind of stuff. And then bring it back to us and we can move forward based on that. Because based on what we have here, its incomplete.

MR. FTHENAKIS: You need to see the floor drawings, do you need to see drawings of the upper floor and all the size --

MS. HULSE: Sir, it probably would behoove you at this point to speak with your consultant, your architect, and then present what they've asked. They are not making any commitment tonight to giving you anything specific. At this point it's still pending before the Board. But I think if you work with Mr. Kimack and your architect, you can come up with something that maybe they just referenced during this hearing that you would be looking for.

MR. FTHENAKIS: Thank you.

TRUSTEE KRUPSKI: I also will say, based on what is currently being applied for, that swale is going to have to be taken into account with drainage. And the boardwalk leading to it, it doesn't say what is planned to be put there exactly. I as one Trustee am going to want to see something with water remediation so there is not going to be a waterfall effect running down the swale.

And then also for me, I want to speak again to this application, this is already a heavy lift environmentally. There is some precedence for a pier line there. I understand that. But in terms of putting hardened structure, creating a waterfall effect, removing trees without replacement, that is going to be even a harder lift to me. Just throwing that out there.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

(No response).

Any other questions or comments from the Board?

(Negative response).

Hearing none, I make a motion to table this application for submission of new plans and project description.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 3, En-Consultants on behalf of has **HOLDINGS, LLC, c/o SEAN PETERS, MEMBER** requests a Wetland Permit to demolish and remove existing two-story, 1,444sq.ft. single-family dwelling and brick patio; construct a two-story, 2,578sq.ft. single-family dwelling with attached garage, with a 178sq.ft. covered front porch and a 520sq.ft. covered rear porch; construct a 15'x37' swimming pool (with saltwater

filtration), and a 1,310sq.ft. grade-level masonry patio; install 4' high pool-enclosure fencing; remove and replace portion of existing driveway; remove existing conventional septic system and install a new I/A sanitary system; install a stormwater drainage system; and to establish and perpetually maintain a 10' wide non-turf buffer along the landward edge of the top of the bank.

Located: 2000 Park Avenue, Mattituck. SCTM# 1000-123-8-7.

The Trustees most recently visited the property on the 9th of March, noting that the house construction seemed straightforward, and to check the permit history on the lower deck.

The LWRP coordinator found this to be consistent, recommended the non-turf buffer be vegetated with native, salt-tolerant species.

And the Conservation Advisory Council resolved to support the application using best management practices and/or drywells to contain the runoff from the patio, installation of pervious driveway and pool to be located 13 foot landward to comply with 100-foot setback.

I also am in receipt of an e-mail from the applicant's agent, Rob Herrmann, addressing the size of the deck on the water.

Is there anyone here wishing to speak regarding this application?

MR. HERRMANN: Yes. Rob Herrmann of En-Consultants on behalf of the applicant. Yes, as we did discuss in the field, this is an application that, for the demolition of an existing dwelling and the construction of a new dwelling, and it will be approximately 25 feet farther from the water, from the bay. The house itself now actually moves outside the Trustees jurisdiction, and within the footprint of the seaward side of the house is where the new pool and patio is proposed. So in other words, the pool and patio are actually set no closer to the bay than the existing house. And you can see from the comparison of the existing and proposed on the site plan, that basically the entire site development moves back as a result of the project.

There is also a storm water drainage system proposed, an IA sanitary system is proposed in place of the existing conventional system, and there is a proposed ten-foot non-turf buffer adjacent to the top of the bank. The project, we obtained a non-jurisdiction letter from the DEC, and obtained a variance approval from the ZBA which relates to a side-yard setback for the new house, based on the narrow width of the lot.

And just speaking to the e-mail that Nick just mentioned, I had submitted a response to Liz in connection, in response to your question about the permitting history for the deck. As you found, we found, there was no permitting history for the deck. There is a very old permit from the '80s for the bulkhead and then one shortly after 2013 for the replacement of a section of the bulkhead, but there is no record of the retaining wall

either, although it appears to be pre-existing. So in response to Liz's request, what we did is we asked the land surveyor to update the survey to indicate the dimensions pretty much of all of the existing shoreline structures, the length of the bulkhead, the retaining wall, the landing, the steps, the groin, et cetera.

So we did have that survey updated and I submitted that to Liz along with modified project description if the Board sees fit to basically get those structures on record now.

So I think I responded to everything, but if you have any questions, I'm happy to answer them.

TRUSTEE KRUPSKI: Thank you. Is there anyone else here that wishes to speak regarding this application, or any comments from the members of the Board?

TRUSTEE GILLOOLY: I just wanted to note that the Conservation Advisory Council's concern about the pool being within 100 feet of the setback, this is technically not a bluff, so the limit would be 50 feet.

TRUSTEE KRUPSKI: Thank you. Okay, hearing no additional comments, I'll make a motion to close the hearing.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: And I'll make a motion to approve this application as submitted, noting the revised survey to include the deck dimensions stamped received March 16th, 2022, depicting the as-built deck.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

MR. HERRMANN: Thank you.

TRUSTEE SEPENOSKI: Number 4, En-Consultants on behalf of has **HOLDINGS, LLC, c/o SEAN PETERS, MEMBER** requests a Wetland Permit to demolish and remove existing two-story, 1,444sq.ft. single-family dwelling and brick patio; construct a two-story, 2,578sq.ft. single-family dwelling with attached garage, with a 178sq.ft. covered front porch and a 520sq.ft. covered rear porch; construct a 15'x37' swimming pool (with saltwater filtration), and a 1,310sq.ft. grade-level masonry patio; install 4' high pool-enclosure fencing; remove and replace portion of existing driveway; remove existing conventional septic system and install a new I/A sanitary system; install a stormwater drainage system; and to establish and perpetually maintain a 10' wide non-turf buffer along the landward edge of the top of the bank.

Located: 2000 Park Avenue, Mattituck. SCTM# 1000-123-8-7

The LWRP found this consistent with policy standards and therefore consistent with the LWRP. A recommendation is made with the following considerations. There is no ability to relocate the structure outside of the FEMA zone AE E17 due to lot size configuration. And, two, the proposal will upgrade the

dwelling to FEMA construction standards, first floor elevation proposed at nine feet.

The Conservation Advisory Council had a meeting on March 9th and resolved to support the application.

And the Trustees most recently visited the site on March 9th, 2022, and found this to be a straightforward application.

Is there anyone here who wishes to speak regarding this application?

MR. HERRMANN: Thanks, Eric. Rob Herrmann of En-Consultants, on behalf of the applicant.

This is a project that a couple of the members of the Board had seen before we filed it. It is an application to relocate and raise existing dwelling, and add an addition to the side and landward side of it, in a way that maintains and in fact increases the wetland setback by a foot to the reconstructed porch on the waterside of the house. The proposed construction does remain entirely outside of the coastal erosion area. Storm water drainage system is proposed. The new house will be elevated to a FEMA-compliant flood elevation, and the existing conventional septic system will be replaced with an IA sanitary system. The project was granted a certificate of appropriateness from the Town's Historic Preservation Committee, and a non-jurisdiction letter was issued by the DEC, and ZBA granted approval for the project based on the rear-yard setback variance.

If the Board has any other questions, I'm happy to answer them.

TRUSTEE GILLOOLY: I just have one question about the shared well as depicted on the plans. With whom is that being shared?

MR. HERRMANN: Liz, you may have asked a question I can't answer.

TRUSTEE GILLOOLY: I do see the two adjacent properties seem to have their own well water, so I was not sure if that is just sharing between the garage and dwelling, or --

MR. HERRMANN: So the Health Department application is being handled separately by the project engineer. I don't see David here. So where have you seen that, Liz? I see the proposed well.

TRUSTEE GILLOOLY: Near the garage, the back corner of the garage.

MR. HERRMANN: (Perusing). I see it's labeled but I don't see the sharing part that you are talking to. It shows an existing well to be removed. It's right off the corner of the existing garage. And there is a proposed well.

TRUSTEE KRUPSKI: Do you want to approach?

MR. HERRMANN: Yes.

(Conversation is held at the dais).

Ah, on the survey. I truly don't know. I don't know why that is indicated as a shared well. Unless there is another, unless there is an adjacent -- only thing I can think of, every neighboring property shows an existing well except for the immediately, neighbor immediately to the rear. It also shows a well up there, too. I don't know. If that matters to you, I

would have to get an answer from the surveyor and/or the engineer. I mean it shouldn't -- I'm not sure it should concern your Board, but I'm happy to try to provide an answer.

TRUSTEE GILLOOLY: It's a point of curiosity.

MR. HERRMANN: Yes. Sorry.

TRUSTEE SEPENOSKI: Is there anyone here who wants to speak to this application?

(No response).

Aside from Mr. Herrmann?

(No response).

Is there any member of the Board who wants to ask a question or have any comments?

(Negative response).

I'll make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE SEPENOSKI: I'll make a motion to approve this application.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 5, En-Consultants on behalf of **JOHN & LYNN SCOTT** requests a Wetland Permit to partially reconstruct, alter, and renovate existing 1 & 2 story dwelling and appurtenances as follows (project meets Town Code definition of demolition): Partially reconstruct, in-place (i.e., provide new roof and partially reconstruct existing walls over existing deck/foundation, to remain), approximately 848sq.ft. one-story portion of dwelling and 1,081sq.ft. two-story portion of dwelling; remove 56sq.ft. portion of dwelling; construct 439sq.ft. waterside porch (within existing footprint of 514sq.ft. Porch), with 5.5'x6.6' steps; construct onto one-story portion of dwelling a 16sq.ft. one-story addition, 22sq.ft. one-story addition, and 283sq.ft. deck addition with 7'x7' hot tub and 3.2'x4.1' steps; construct onto two-story portion of dwelling a 37sq.ft. covered porch entry and a 128sq.ft. 1 & 2 story addition in place of existing second floor enclosure/overhang and roofed-over patio; relocated basement entrance and construct 30sq.ft. stoop and 5.4'x8.4' steps; remove garage overhang, renovate garage and install 104sq.ft. stone apron in place of concrete apron; install 336sq.ft. pervious gravel patio, 222sq.ft. pervious patio, 86sq.ft. masonry patio, 4'x8' outdoor shower over stone pavers, various stepping stones, and concrete HVAC pad; place and grade approximately 50 cubic yards clean fill to raise grade up to one (1) foot, on waterside of dwelling; install 142 linear feet of masonry retaining wall (max. 3' high), along westerly property line; remove existing trellis, timber retaining walls, and steps, install 30 linear feet of masonry retaining wall (max.

1.5' high), and place approximately 125 cubic yards clear fill to raise grade up to 2.5', on landward side of dwelling; remove driveway and install new pervious gravel driveway with 396sq.ft. parking areas; remove existing conventional septic system and install new I/A sanitary system, install stormwater drainage system, abandon drinking water well; remove overhead electric service, replace buried LP tank and generator, and install public water service, buried electrical service, and closed loop geothermal filed; remove and replace in place 4'x6' wood landing and 4'x6' wood steps to beach; and to establish and maintain area seaward of dwelling as a non-turf buffer area.

Located: 495 North Parish Drive, Southold. SCTM# 1000-71-1-5

The Trustees most recently visited this site on the 9th of March and noted that we would like to see a relocation of the retaining wall off the neighboring property line to allow for plantings.

The LWRP coordinator found this to be inconsistent. The applicant proposes increasing the grade by one foot using 50 cubic yards of fill seaward of the residence. How will the grade change affect adjacent properties. The applicant proposes to raise the grade landward of the residence by 2.5 with 125 cubic yards of fill. This is a large amount. How will the grade change affect adjacent properties.

There is still a concern about the proposed fill and site drainage. The fill will raise the grade and there is no indication in the file record that the adjacent properties will not be impacted.

The Conservation Advisory Council resolved to support the application with retractable steps at base of retaining wall.

Is there anyone here that wishes to speak regarding this application?

MR. HERRMANN: Rob Herrmann of En-Consultants, on behalf of the applicant. Meryl Kramer, the project architect, is also here, and David Cichanowicz from Creative Environmental Design is also here.

So this is a fairly extensive project in terms of the details of what is going on. To just quickly summarize, as we reviewed in the field, most of the existing house is being reconstructed over the, or at least to a significant extent being reconstructed over the existing foundation, which will proceed to remain except for a couple of spots where a section of the house is being removed or added to. And part of that had to do with architectural design and part had to do with trying to minimize the Zoning variance that we needed for actually previously existing side yard setbacks. So we did get approval from the ZBA for those setbacks.

There are a couple of mitigation measures that are built into the design closest to the water including the reduction in the size of the waterside porch. There is a storm water drainage system proposed, existing conventional septic system is being replaced with an IA sanitary system. We are creating an increase



in the wetland setback of the impervious surfaces on the property as a result of the removal of the existing brick patio, and as we discussed, the entire area seaward of the house will remain as a natural non-turf buffer.

With respect to the LWRP comments and also the comments you mentioned in the field with the retaining wall, the fill in the front is actually well outside the Board's jurisdiction, and as you saw, it's just filling in a hole up to the existing grade. So there should not be -- we are not really increasing the grade above existing top elevation, we are kind of filling in a depression.

On the waterside of the house, there is a one-foot increase in grade proposed which relates to the storm water drainage system. We did review this extensively with the engineer and basically they are trying to achieve a proper separation distance between the bottom of the leaching galleys and groundwater. That also pulls in the need for the retaining wall that runs along the westerly property line from basically where those leaching galleys are to the front of the house where that hole is being filled in.

So as the Board had mentioned in the field and you just reiterated here, you wanted to know what the appearance of the retaining wall would be, what the extent of the exposure would be relative to the neighbor. I think Glenn had suggested reaching out to the neighbor, considering the possibility of shifting the wall. So we did that. And I don't know if he contacted you directly, but I can submit an e-mail here just to let you know where we are with that. Because we did have to have some conversations both with the neighbor and with the engineer, because there are, as you know, minimum separation requirements between those facilities and a retaining wall. So we can't pull the wall in so much that it would begin to effect the design of the systems, but we understood the idea was if you would it in just a little bit you would have room to actually soften it up with plantings on the other side of the wall, which ideally we would like to keep on the Scott's property.

So to that end we got Dave involved, he was already on the project for the landscape design. And he and Meryl and the owners had a, I think it was a Zoom meeting with the neighbor Boris Benak (sic). And I'll quickly read it to you and then I'll give you a copy of the e-mail so it's not just hearsay. You are getting the record.

Dear John & Lynn Scott, and Southold Board of Trustees. This e-mail serves to advise you that yesterday, March 15th, the Scott family, the architect, landscape architect and myself, had a discussion regarding the renovation of Scott's property. Their property borders ours. Yesterday we discussed my concerns relating to the barrier of privacy trees that are currently between our properties, which would have to be removed, and the location and esthetics of a concrete wall. On the call yesterday we discussed, one, the possibility of moving the wall more

toward their property to allow the privacy trees to be planted and replace the current privacy trees at no expense to me. This is very important since my driveway at certain points is close to the property line. Number two, install a more decorative wall rather than plain concrete wall. I am meeting with the landscape architect -- that's Dave, my addition -- on Saturday, March 19th, to review the plans for the proposed wall and replacement of privacy trees. Regards, Boris and Maureen Benak (sic).

I'll just give that to Liz because I don't know if Boris sent that directly to you, but he sent it to us, and we advised him and asked his permission to submit it to you so you have that.

So long story short, and Dave can speak to this in more detail if you wish, it seems like the softening of the appearance of the wall through stone veneer, something like that, use of plantings on his side of the wall, maybe some, you know, crawling vegetation, there is one, to complete my thought, that would we think satisfy him. And it would also help the Scott's because it's up near the water by the storm water galleys that it would be difficult to move the wall much.

Where the wall may be able to be moved more is toward the front of the house. Dave looked at it today. We think that section is going to be outside your jurisdiction. But that is what he plans to meet with the neighbor this Saturday to look at and discuss so that they can come up with a plan that seems to work with everybody. Which I think was your concern when you raised it in the field.

So again, just to be clear, you know, the purpose of the wall here, and the fill, these are designed for storm water management. You saw the area where that deck is proposed. This is not like an area on the side of the house that is being used, you know, for volleyball, stuff like that.

TRUSTEE KRUPSKI: Understood.

MR. HERRMANN: So it will reduce the pitch toward the neighbor's property. But to your point, we are going to try to figure out a way that this gets done in a way that the neighbor is hopefully satisfied and we can still satisfy our storm water requirements, et cetera.

TRUSTEE KRUPSKI: Good. I guess my only question after that summary would be what is, within our jurisdiction, what is the maximum height of the wall, the section within our jurisdiction?

MR. HERRMANN: I think there is a section that is as high as three feet. Three feet is the maximum height of the wall any place, and I think there is a section up to three feet high within your jurisdiction.

There are various spots along the wall that shows the top wall elevation, which is eight throughout. Until you get to the front. And then there are bottom walls. So if you look at the very seaward end of the wall, it goes flush with grade, because the grade goes up there. So the top wall meets the existing grade of eight. As it backs up, its one foot high, goes back a

little further it's two feet high. And by the time you get to where this site plan shows the 15.7 foot side yard setback, that is where it's three feet high. Then it continues that three foot height all the way back basically until you get to the front of the garage. Then everything sort of starts to settle again as you get near that sanitary system.

TRUSTEE KRUPSKI: Okay. In the past we have also conditioned maximum heights on walls such as these. You know, with the base, usually I think it's been 18 inches. Just another thing for you to consider when meeting with the neighbor and your landscape architect.

MR. HERRMANN: You lost me there, Nick.

TRUSTEE KRUPSKI: In the past this Board has conditioned a maximum exposure as to the walls. Typically I think past precedence has been 18 inches. So that is something to consider when --

MR. HERRMANN: I'm sure that we've had walls with higher exposure than a foot-and-a-half approved. That would be a really low exposure for a retaining wall.

TRUSTEE KRUPSKI: I'm more referencing walls such as these along property lines.

MR. HERRMANN: Okay. So again, there is sort of two factors at play here, one relates to the need for a certain height for storm water, and the other relates to not upsetting the neighbor. So if we are able to obtain something in writing that the neighbor is okay with a higher height, is that something that the Board is --

TRUSTEE GILLOOLY: The one thing I like to consider here, too, is that we have to kind of take a really long view on these projects. So while the current neighbor may be okay with it, we should consider future neighbors and the impact that this may have. You know, I always encourage people to work with their neighbors and be friendly and all that, but that is not always so common. So I understand the constraints that you are working with, but seeing this pulled off of the property line a little bit would really resolve a lot of my concerns.

MR. HERRMANN: Right. And we understand that. So that's what I'm trying get at. Because, again, I just want to be clear for the record, that you are not an Architectural Review Board, right, and you are not a ZBA, so the esthetic impact to the neighbor is something everybody wants to keep in mind so that everybody is happy. But within the code what you are concerned with is storm water runoff. So we have a design here that is designed to meet the Town's storm water code. So that has to be first and foremost.

TRUSTEE KRUPSKI: I think we are well aware of this Board's purpose. I just want to be clear.

MR. HERRMANN: I'm not telling you what your purpose is --

TRUSTEE KRUPSKI: I appreciate that.

MR. HERRMANN: I'm just saying there is a lot of --

TRUSTEE GILLOOLY: There is a great deal of relief being given

for this project anyway, and given the precedent, we understand, but in the code, a residence should be 100 feet from the wetland. So given the amount of structure here that close to the wetland, I believe that it is within our purview here.

MR. HERRMANN: And I'm not suggesting that it's not. What I'm saying is, I'm trying to cull out from what Nick is saying how much of this focus is on esthetics and a neighbor being happy about seeing a wall one way or not, versus storm water runoff protection. That's a fair point to make, I think, from my perspective.

TRUSTEE KRUPSKI: I mean we could certainly have the Town engineer look at the impact of having a wall run along a neighboring property and how that negatively or positively could impact the neighbor also. That is something, that is a road we could go down, or we can bring in an engineer to look at it, who is a professional, at the applicant's expense --

MR. HERRMANN: And I'm with you, which is why we, as you suggest, contacted the neighbor, brought the neighbor in, had the neighbor on a Zoom call, and are speaking, you know, the clients are now paying to speak to their architect, their engineer, landscape design person, all to find a way to see if we can shift this wall in, get the plans, and respond affirmatively to everything you are saying. You just threw me off when you said something about an 18-inch max height, because while we can move in the wall to some degree, we hope, and we can plant on the other side of it, and we can decorate it, I don't know if based on the existing grades of five feet we can limit the top of the wall to say six-and-a-half feet. So that's what I have on that. It was not to pick a fight with you.

TRUSTEE KRUPSKI: Right. I think you understood my point, is that it's an option that, you know, sometimes you can't always move everything, you can sometimes decrease the height. It's an option.

MR. HERRMANN: Understood, Nick. I get it.

TRUSTEE GOLDSMITH: And again, this is premature, if you guys are having a meeting this coming Saturday, you can go back to the drawing board anyway.

MR. HERRMANN: No, it was worth the conversation because I didn't want them to go back to the drawing board and spend three hours and come up with a plan and then come back and you say, it's no good because you moved it in and you've done this and that and it's more than 18-inches. So, I get it. I'm clear.

TRUSTEE KRUPSKI: Thank you. Is there anyone else that wishes to speak regarding this application?

MS. KRAMER: Are you okay with me --

MR. HERRMANN: If you wish.

MS. KRAMER: My name is Meryl Kramer, I'm the architect on behalf of the owners.

I just want to give you a little bit of a kind of background, on we have been working very closely with the engineer on this project for probably six months to try and fit

everything into this very oddly-shaped house existing footprint that we are trying to save as much as we can. And we have to go kind of back to the front of the property where we have the electric line coming in and then the water line coming in and the septic line, and we have all these setbacks, and then those things have to be a certain distance from the property line. So, and then all of that then has the domino effect to the west side of the property to where we get to where we have to put this wall.

So to Rob's, to what Rob was saying, you know, we were, we have figured out a way most likely that in response to your concerns, that we may be able to move the wall off the property line by shifting the angles of, the elements of the septic system, but the question that you just brought up about this three-foot thing, because property undulates, and we have to maintain that, we have three-foot deep leaching galleys that I don't think can be any shallower, just because they don't manufacture them, and then we have to, we have certain clearance from groundwater, we just don't have the depth to be anywhere lower, in this particular place, to handle all the runoff.

So we are trying very hard to accommodate that, and in fact the owners, we just resubmitted the plan to you because we removed the hot tub so that we would reduce the need for as much drywell capacity so that we could compact that leaching galley area, so we could possibly move the wall. So they are making accommodations to everybody's concerns.

TRUSTEE KRUPSKI: Thank you.

MR. HERRMANN: Thanks, Meryl.

MS. KRAMER: You're welcome.

TRUSTEE KRUPSKI: Is there anyone else that wishes to speak or additional comments from the Board?

(No response).

I assume you would like to table the application?

MR. HERRMANN: I think we need to do that.

TRUSTEE KRUPSKI: Very good. Hearing no further comments, I'll make a motion to table the application.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 6, AMP Architecture on behalf of **9450 MAIN BAYVIEW, LLC** requests a Wetland Permit to construct a proposed two-story dwelling with full basement consisting of a proposed 20'x41' (820sq.ft.) two-story area and a 18'x18' (324sq.ft.) one-story area; a proposed 4'x17.8' (70.8sq.ft.) front covered porch; a proposed 6.2'x21.0' (88sq.ft.) front covered patio; a proposed 5'x29' (145sq.ft.) second story balcony; a proposed basement window well and concrete entry stair; install a new I/A OWTS landward of dwelling; install an 810sq.ft. pervious driveway; install a proposed 15'6"x29' (450sq.ft.) pervious patio at grade against the seaward side of

dwelling; install gutters to leaders to two (2) 8'x4' deep drywells to contain roof runoff; install one (1) 1,000 gallon propane tank buried at front of property; install new buried utility connections at front and side of property; proposed regrading at perimeter of proposed rear of dwelling consisting of approximately 8,865 cubic feet of earth to be removed for construction excavation, the majority to remain at site for backfill and 2,300 cubic feet to be used for proposed regrading. Located: 9450 Main Bayview Road, Southold. SCTM# 1000-87-5-22.

The LWRP found this to be inconsistent. The inconsistencies are: Verify how the lot was created. Groundwater as high elevation 4.5 feet below grade and the basement should be reconsidered. Seasonal and storm surge flooding is expected. Setbacks to wetland should be maximized to the greatest extent practical, and establish maximized vegetated buffer landward of wetlands.

The Conservation Advisory Council could not make a recommendation at this time as the property was not properly staked and labeled, however according to the site plan, proposed structures do not meet the setbacks in accordance with Chapter 275.

The Trustees most recently conducted an inhouse review of the new plans on March 9th, 2022. We do have new plans and a new project description stamped received March 7th, 2022. We also have a letter in the file from an Ashley and Isaac Hidenberg (sic) stating: As neighbors to the above property, we have not been notified of any activity for development. There was a sign posted a few months ago but it has been removed and we have yet to be notified by mail. Preservation of an environment should be highly considered when reviewing this application, as we are strong advocates for conservation of the wetlands in the north fork area, as well as with rising sea levels it should be of concern, and another consideration for this property and the surrounding properties do not adhere to over-develop the wetland area at this location. Thank you, for your attention to this matter.

Is there anyone here wishing to speak regarding this application?

MR. PORTILLO: Anthony Portillo, AMP Architecture. Good evening Board.

So based on our last hearing we discussed that we had a different design. We went back to the drawing board and we tried to come in with a different approach for the new structure, basically pitting the structure out, reducing the setback from the flagged wetlands. We are currently now proposing 61.8 feet. That is our closest distance that we are proposing. The building is 16 feet wide and 59 feet long.

On the second floor we reduced the mass of the building and requesting two second-floor roof decks. We are proposing. Honestly we need to go to Zoning. They've asked us to come here first, but we have to go to the Zoning for the front yard

setback of 30 feet. So hopefully we'll get relief from that, which I felt pretty good about because they have some homes there that are pretty close to their property line, so.

Just a couple of things, just reflecting back on the first couple of comments, we did flag the lot, and we did flag the clearing it just sounded like there was no flagging done. We did the mail outs as well and we provided that to the Town. Notification was provided, so, I'm not sure about that.

There was one other comment. The groundwater comment. I don't think that is accurate. Maybe there is a misconception on the groundwater. If you look at where the test hole is taken, the groundwater in that area is at 4.5, but that is lower on the topography. So where the house is located, it's much higher. We actually provided a section in our packet which shows where groundwater would be at the elevation we are proposing the building at. I'm available for any questions.

TRUSTEE GOLDSMITH: Can you speak to the proximity to the freshwater wetlands?

MR. PORTILLO: So again, we really did our best to minimize that. As you can see, the building is very skinny now. We are 30 feet from the front yard, so that is what is really, you know, and I don't, you know, the 30 foot I'm just using as basically looking at a non-conforming lot you are allowed to be 30 feet, so I kind of used that to place the front of the building. Because I think that is reasonable thing that this is somewhat of a non-conforming lot because of all the wetlands, which you can't really build on, but it's not looked at that way, so it is looked at as a conforming lot. So that's sort of how I determined let's stick to the 30-foot front yard setback. And conceivably we can't really go much smaller than 16 feet and get proper living space and a staircase, things like that. As you can see from the floor plan layout, it's pretty minimal.

TRUSTEE GOLDSMITH: And you have not been to the ZBA for that variance as of yet, correct?

MR. PORTILLO: No, we did go do ZBA it then they requested that we come here first. They wanted a ruling from the Trustees. We also have filed with the DEC. We've had minimal comments back, which we answered back. That was actually on our first design. I mentioned that last time. They didn't have much, you know, there was not really something that I thought was going to get approved, but now we submitted this design, so we are waiting for any other comments now that the design has been changed.

But like I said, comments from the DEC didn't seem like we were going to have a problem getting the first design approved, so I'm feeling pretty confident that DEC will be on board with what we are proposing.

In my past experience, I mentioned this last time, normally they look at us to be 50 feet from freshwater wetlands. From what I have seen and what I have been allowed. But again, that's just my experience, just throwing that out there.

TRUSTEE GILLOOLY: Per our Town Code, Chapter 275, Section 3, it

is 100 feet from the wetlands, and I think on a property like this that has never been built before, it's hard for us to grant relief in a situation like that.

MR. PORTILLO: I appreciate that. But I did a little research. And I just want to let the Board know, that in 2020 there is a building that I think is a similar situation, that was built, very recently, freshwater wetlands, 35 feet, allowed by the Board. And I think the lot is very similar, that's why I picked this one. I provided it to your office to show you, to put on record, you know, some precedence here. And we are double that

TRUSTEE GOLDSMITH: As you know, each property is inherently unique, and each one has its own set of challenges. This one with the slope and the grade going to an undisturbed freshwater wetland and habitat, I don't think any previous application is applicable.

MR. PORTILLO: Understood. I don't want to disagree with you, but I went to the site myself, and there is a slope at the site. Same kind of situation, watering hole, essentially, which is what is here. And, in my opinion, and also in the opinion of people that we hired to look at the site for us, and it's pretty much, in my opinion, the same type of situation. And I understand that all sites are different, but I would just like to bring that to the Board's attention, that this is in Southold town. Southold, not just the township, it's actually in Southold. And in my opinion it's a very similar situation. I'm not saying it's exact, but I would hope the Board would look at this, because my client is here as well, you know, is trying to build a small home for his family and would like to, you know, do that on his property, and I think seeing that this is a similar situation, I think maybe the Board can think about that. Again, I'm just putting that out there.

TRUSTEE GOLDSMITH: Looking at the plans you submitted March 7th, 2022, it shows 50-foot front yard setback with the entirety of the house within that proposed setback; is that correct?

MR. PORTILLO: The most recent, 30 feet is the front yard setback.

TRUSTEE GOLDSMITH: Because we have 50 feet.

MR. PORTILLO: That's a 3. I'm sorry.

TRUSTEE GOLDSMITH: Okay, this isn't 50 foot?

MR. PORTILLO: That's a 3. I'm sorry.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak regarding this application?

MS. KIRSCH: Hi. My name is Mary Kirsch and I own the property adjacent. And we have been here before, and I think as far as the criteria goes, 100-foot setback, um, his client can't do. The Zoning Board is short 20 feet. It's really sensitive. I feel like I'm repeating this, with the peepers and the salamanders and all that. And, um, something else that I didn't mention in the past is that 25 years ago, when I went and started my journey, I started at the end of Main Bayview and worked up the different lots. And when I reached this particular, Mr. Marra's



lot, it was a little less. And I went to the Trustees back then, I did my homework, and the Trustees back then said to me, Mary, you can build there a tree house. Find another piece of property. So that's what I did. I understood, it didn't fit with the -- there is hardly any footage in that piece of property that you can put a real kind of house. So I built next door. I just, it's just an un-buildable lot, and you have to do your homework when you buy a property. And if Mr. Marra didn't do his homework, that's unfortunate.

MS. HULSE: Can you be more specific, ma'am, you just sort of glossed over what you said you repeated before. This is a new hearing. Can you just refer to exactly what your feeling that the environmental impact that was, as you stated, negative, could you be more specific about that?

MS. KIRSCH: Sure. First of all, it's pretty much in the middle of the fresh water buffer zone. It can't comply with that setback. It can't comply with the Zoning Board because you need a 50-foot front setback, and it only has 30. There is a really sensitive pond there. He calls it a waterhole, but it's alive and well, and the peepers showed up last night. It's kind of ironic, the frogs, and it's really a sensitive piece of property. And even the water table. He's proposing that it has not changed. It's changed. The whole creek, Corey Creek, has changed. So it's just, in my opinion, it's an un-buildable piece of property. It was like that 25 years ago and it has not changed, and in fact it's probably even more difficult now.

TRUSTEE GOLDSMITH: Thank you, ma'am.

MS. KIRSCH: Thank you.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

MR. PORTILLO: A couple of things I forgot to mention. We also raised the foundation up in our proposal here to reduce, the amount of disturbance, obviously, since we don't have to remove as much fill or soil. And we are proposing to put a silt fence, obviously, during construction, to protect, we really plan on not disturbing the land that much. You can see where our clearance line is.

I also, and I'm not saying that there is not groundwater there, I'm just stating the fact where we are placing the house, the groundwater is not 4.3 feet. I'm letting you guys know. From my section it's a lot more than that. Because it is a higher part of the lot, then it slopes down.

The Board also, in the past, has asked for a non-turf buffer. We are more than willing to do a 50-foot non-turf buffer. We have the space to do that and we are, the building is far enough back, if it's something the Board wants to suggest, I don't see an issue with that.

I think also Mr. Marra here, I think you should talk to the Board.

MR. MARRA: Good evening, we are just trying to build a little family house for us. It's very hard to, obviously, as everyone

I'm sure knows, to buy property out here now. And it's more expensive and we are trying to do something on the this lot. It's a huge lot. We are just trying to build a small house on the front. We don't want to disturb anything, we want to, you know, keep everything the way it is. That's why we are trying to keep everything as far away as we can from the buffer.

I understand people looked at the house 25 years ago. It was a lot more buildable. I don't have that choice. It's probably a quarter the price. So we really appreciate your consideration.

TRUSTEE GOLDSMITH: Thank you, sir. Is there anyone else here that wishes to speak regarding this application?

MR. PORTILLO: I just want to state as well, as we stated before, just want to rebuttal the last statement. We agree there is a front yard setback issue and, as I said, the Zoning Board, which we visited seemed somewhat pliable to that request of 30 feet. It was more just to come here first. Normally that is not the situation, normally we are able to get the variance and then come to the Board to request the Trustees.

TRUSTEE GOLDSMITH: Thank you. Yes, sir?

MR. PASSANANT: Good evening, my name is Tom Passanant. And I guess like I said last time, this is my second time before any hearing. I would not be here opposing anything if it fit within the boundaries that are what the town has set up in the first place. I had received a mailing of the revised property of the house, and I saw the 16 feet. And I'm really, I don't want to be too simple. I guess I am. But what looks very obvious to me is the 50 foot line that is coming up 30 feet, that is 20 feet extended over, and then it's a 100-foot line that I think is proposed 61.2 in that area. So it's like a total of 60 feet or more for a 16-foot house. And the way I look at it, it likes overlaps like this, that there is literally no room. Under these guidances, I would never want to deny someone to build a home in a space that is designed, you know, my father did it alone 50 years ago, came to the north fork.

The pond to me is an issue. It is a viable pond. There is a lot of life there. When I see homes that are being built, when I drive around on my job, pretty much a lot of the land is, if not completely clear cut, a lot of the trees are taken down. And I would, I know they said they would protect it with barriers that they have, but it seems like it would be a great disturbance to that pond. And the peepers were out last night. It was interesting. And it's a nice sound. It's a nice sound of spring.

Again, I would not object to anyone, if they built a home within what is doable or defined by the town. And that's all I would ask your consideration with that, is the overlay, seems like there is no room to build anything, unfortunately. But that's how that land is. So, thank you.

TRUSTEE GOLDSMITH: Thank you, sir. Is there anyone else here wishing to speak regarding this application?

MR. PORTILLO: Just again, maybe a little bit of misconstrued.

But that's why we are here, because we are within your jurisdiction. So we are asking the Board for the relief on this, and that's the reason we have to go to the Zoning Board, we are asking for relief there as well. It's pretty common to get relief from the Board. And it's pretty common to get relief from the Zoning Board. So I think that is what is at stake here is what you believe is a good project and that we are, as Mr. Marra stated, he's not looking to do anything destructive. Our clearing line has been majorly reduced. The house footprint has been reduced. We've gone back to the drawing board and really rethought this, and repositioned the house in a way that is minimal disturbance, as much as minimal as possible, as I stated. The foundation is not going, before having showed it, it was going seven foot into the ground. That is no longer the case. So less disturbance. So I think that we took at heart the things you guys had to say to me last time and really thought about it and, you know, that's what we brought forward to the Board. So, just to be clear, that is why we are here. So for you guys to make a judgment call on what we are proposing. The DEC has 300 feet, so I have to go to DEC and they have to make a ruling on what I'm proposing. So.

TRUSTEE GOLDSMITH: Just to be clear, you don't have any DEC permits as of yet?

MR. PORTILLO: No, we actually had to resend this in, so it will be renewed again. We had comments back on the original, it seemed something that was going to be a problem. But we'll have to wait to get comments back on this or approval on this. But this was resubmitted about a week and a half ago, two weeks ago.

TRUSTEE GOLDSMITH: Thank you. Any questions or comments from the Board?

TRUSTEE SEPENOSKI: The application before us, we've given it, I as one Trustee in particular, I can't speak for the Board, but I have given it quite a bit of thought and I always return to the code in these situations, and it's interesting, 275-3, for those of you out there that have not read it yet, it says that the Town Board of the Town of Southold finds that rapid growth, the spread of development and increasing demands upon natural resources are encroaching upon or eliminating many of its wetlands and patent lands which are preserved and maintained in the undisturbed natural condition constitute important physical, social, esthetic, recreational and economic assets to existing and future residents of the Town of Southold.

As someone who ran for office with the intent of preserving the natural character of the community, I find it difficult to support an application with such proximity to the freshwater wetlands. But I am one Trustee and can't speak for the other members of the Board.

TRUSTEE GOLDSMITH: Thank you. Any other questions or comments? (Negative response).

Hearing no further comments, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

With the inconsistency from the LWRP with proximity to sensitive wetlands that are undisturbed currently, and wildlife, this particular application violates Chapter 275-12(a) because it adversely affects the wetlands of the Town, and 275-12(d) adversely affects fish, shellfish or other beneficial marine organisms, aquatic wildlife and vegetation or the natural habitat thereof, in accordance with all of that, I make a motion to deny this application as submitted due to those reasons.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GILLOOLY: Number 7, AMP Architecture on behalf of **PHILIP & LIA CHASEN** requests a Wetland Permit to construct a 14'11"x23'4" (350sq.ft.) pool house; proposed reconstructed 10.2'x28.1' deck on seaward side of dwelling; and to install and perpetually maintain a 7' wide (1,375sq.ft.) non-turf buffer along the landward edge of the top of the bank.

Located: 1585 Long Creek Drive, Southold. SCTM# 1000-55-7-3

The Conservation Advisory Council resolved to support this application. The Conservation Advisory Council supports the application with a 15-foot non-turf buffer planted with native vegetation, and removable retractable stairs at the base of the bluff stairs.

And the LWRP does find this to be consistent with the following notes: Retain the vegetation landward of the wetland boundary as a buffer to further Policy 6. Pursuant to Chapter 268, the Board of Trustees shall consider this recommendation. And we have.

I am in receipt of new plans stamped received February 18th, 2022, depicted a 15-foot non-turf buffer.

Is there anyone here wishing to speak regarding this application?

MR. PORTILLO: Anthony Portillo, AMP Architecture. We have provided the 15-foot non-turf buffer as requested. If you have any questions, I'm happy to answer them.

TRUSTEE GILLOOLY: Is there anybody else here wishing to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

TRUSTEE GILLOOLY: I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GILLOOLY: I make a motion to approve this application with the new plans stamped dated February 18, 2022.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE KRUPSKI: Number 8, AMP Architecture on behalf of **ALBERT W. SELDEN, JR. & CHRISTIAN RASMUSSEN** requests a Wetland Permit to construct a proposed two-story dwelling with crawl space and attached two-car garage (33'3"x66'5"), 2,300sq.ft.; a proposed 713sq.ft. covered patio and deck; a proposed 12'x26' (312sq.ft.) pool; and to install a new Innovative & Alternative Wastewater Treatment system.

Located: 200 Beebe Drive, Cutchogue. SCTM# 1000-97-7-1

The Trustees most recently visited this site on the 11th of March and noted that it will review further at work session. This review is specifically to the staking for the second-story cantilevering and the tree flagging.

I should note I'm in receipt of new plans stamped received March 15th, as well as a new project description stamped received via e-mail March 14th.

The LWRP coordinator found this to be consistent. It is recommended that the limit of clearing, grading and ground disturbance be relocated to the hundred-foot setback line on the south of the parcel. Note that ground water levels are expected to be high in this area and seasonally fluctuate.

The Conservation Advisory Council did not support the application. The proposed project is not staked and the property is within the flood zone.

I will also add that the Board at work session discussed at length how this property could benefit from a bit of a larger non-disturbance area. To be discussed at public hearing. And I am in receipt of an e-mail letter from a member of the public, that I will read tonight as follows, from a Peggy Dickerson:

As I am unable to attend tonight's public hearing, please have the following statement read into the record. I'm concerned for the environmental impact to the building site at 200 Beebe Drive. The applicant is asking for a wetland permit to build in a critical wetland habitat where our saltwater marsh is decreasing at an alarming rate and considering their invaluable benefits not only to the wildlife but to humans, there are choices with this application that should be seriously considered. Due to the fact that three quarters of the property is surrounded by wetlands, a non-turf/non-disturbance buffer should be required for the entire area of the building envelope. The group for the East End recommends the maximum buffer should be required to contaminants from running into the marsh, also to allow the wetland vegetation to slow down floodwaters. This property is unique because of the vast marsh habitat that encompasses almost the entire perimeter of the acreage. I am aware that this complies with the LWRP and I realize this is a building lot and the new owner has an amazing opportunity to build on it, however the responsibilities of the Southold Town Trustees is first and foremost to protect the Town's shoreline

for the benefit of the people of Southold Town.

Thank you for considering the above statement.

Is there anyone here wishing to speak regarding this application?

MR. PORTILLO: Anthony Portillo, AMP Architecture. So just based on our last hearing, the request was to re-stake the house, the cantilever, that was done. We also provided streamers to show you guys the clearing area, which I think is a really good find of what we need to really build and get around the home, excavate, things like that.

We did raise the home a little bit and we reduced the height of the basement. But again, in my section, it's pretty clear that you can see where that we are not that close to groundwater in that area. So I don't know if that's maybe deceiving on the survey, where the groundwater, I'm sorry where the test hole is taken, where the groundwater was. But we are proposing some minimal fill to get up to the entrance of the driveway, and then we sort of decrease that. We really want to keep it somewhat natural and a little bit of fill just to not have a steep elevation from the driveway down, to kind of leave it a gradual 20% slope, is what we figured. And basically that's it. If you have any questions.

TRUSTEE KRUPSKI: I just have two comments that, so I was reviewing the plans that you submitted on the 15th. Actually, three questions.

One, what is the, I reviewed these plans between I mean, today, actually, because they are from the 15th. But is there a substantial change to them?

I didn't really see --

MR. PORTILLO: As I mentioned, not really. We changed the height of the basement to eight feet.

TRUSTEE KRUPSKI: Right, it was just the height of the basement.

MR. PORTILLO: And we added one riser and lifted the house up a little bit to get the basement out of groundwater, or further away groundwater.

TRUSTEE KRUPSKI: So what is the current depth to groundwater from the bottom of the basement?

MR. PORTILLO: Um, I don't have that section with me. But I would say approximately three feet above ground water, the bottom of the footing.

TRUSTEE KRUPSKI: So raising it about a foot; is that right?

MR. PORTILLO: And taking away the height from the basement.

TRUSTEE KRUPSKI: Right. Yes, because the submission from the public did state there is quite a fluctuation in this area. This lot is constructed largely of dredge spoils from the '50s or '60s. So it might make sense if we were to move forward with something to put a stipulation for a drywell to contain any, I mean there will be a sump pump installed in this house with a basement like this.

MR. PORTILLO: Yes. Possibly a French drain around the perimeter to a drywell.

TRUSTEE KRUPSKI: Well, I mean there will be, I'm quite sure there will be a sump pump basin in the basement that will be exiting through the side of the building. So maybe we should add that now so we know where it's going to be located.

One other concern is that the plans don't actually depict the 50-foot non-disturbance buffer. You sent us with a description, but the plans, we need that line. But that actually works out because we did, you know, we have been in discussion at work session to try to figure out, this is obviously a very sensitive area, this marsh on three sides, however, realistically, there is marsh on four sides. It's just we discount the road per our code. So this is essentially a marsh island.

It might make sense, in a property such as this, to make the whole property non-disturbance, aside from the construction area. Just for additional protection. Because it is really, I mean it's a beautiful piece of property, but it is surrounded by wetland. And granted we are at 90-plus feet from the wetlands, but it would make sense I think to protect it with new construction.

MR. PORTILLO: I don't think that's an issue. Just a question to the Board, if down the road they were looking to get say a pathway to the water, that would not be considered like not allowed because of a non-disturbance buffer.

TRUSTEE KRUPSKI: In our code you are allowed a four-foot buffer. So that's a non-issue.

TRUSTEE PEEPLES: I have a question. You mentioned a little bit of fill before, and I don't know if that was introduced when the house was raised up slightly. And it may be that I'm missing it on the plans, but can you please identify, I didn't notice it in the description either.

MR. PORTILLO: The fill didn't change based on the first submission, but we do show it in the elevations, you'll see our proposed and your existing lines.

TRUSTEE PEEPLES: In the original submission?

MR. PORTILLO: No, on the elevation, you'll see, the elevations show the existing --

TRUSTEE PEEPLES: The cross section?

MR. PORTILLO: The elevation of the home. It says all the existing spot elevations and then it shows you where the proposed grades would be.

TRUSTEE PEEPLES: (Perusing).

TRUSTEE KRUPSKI: (Perusing). I think these are three of the same copies,

MR. PORTILLO: Can I approach?

(Reviewing plans at the dais).

MR. PORTILLO: It's 2.1 below existing.

TRUSTEE KRUPSKI: Is this March 8th?

MR. PORTILLO: That's the March submission.

TRUSTEE PEEPLES: I think that's the one we referenced. And what is the elevation?

MR. PORTILLO: We did it on different elevations, where like this is higher.

TRUSTEE KRUPSKI: We did look at that.

TRUSTEE PEEPLES: Yes, we did this at the work session. This is what I was looking for.

MR. PORTILLO: That was the revision, I think we just added a fence on that revision. That was just a plan revision.

TRUSTEE PEEPLES: Around the pool, right?

MR. PORTILLO: Right. Those elevations are not the latest elevations with the grade changes.

TRUSTEE PEEPLES: Okay, and then where the fill is to be used from the site --

MR. PORTILLO: That's the plan. That's right. We should have enough from the basement pour.

TRUSTEE PEEPLES: Thank you, for clarifying,

TRUSTEE GOLDSMITH: You mentioned a four-foot path. Do you know where you want to put that?

MR. PORTILLO: So at some time there was a dock submission to the Board, prior to the new owners buying. I believe the last thing the Board indicated was to go to DEC and get approval from DEC and come back to the Board. It was just never done, so they might have intentions in doing that down the road. I don't know. I don't think they are going to be putting in any pathway right now until they figure that out. I don't do docks, so. I have trouble getting through the houses as it shows, so.

TRUSTEE KRUPSKI: So if we were to move forward with this, I have, from your most recent written description it says proposed 50-foot non-turf buffer, but I would just amend that to say all-inclusive non-disturbance buffer with the exception of the --

TRUSTEE GOLDSMITH: Seaward of your limit of clearance.

MR. PORTILLO: I don't see a problem with that. I'll check with my client. I would say that's fine. I don't think they have a problem with that.

TRUSTEE KRUPSKI: Just to be clear, would you rather table the application to check with your clients?

MR. PORTILLO: I think it's fine to add that in as a requirement.

MS. HULSE: To be clear, they need to come back to the Trustees if they do intend to do that walkway.

MR. PORTILLO: They'll probably do it with a dock permit. That's what I was saying.

TRUSTEE KRUPSKI: All right, are there any an additional comments?

TRUSTEE GILLOOLY: I would just like to see a replacement of some of some of the trees.

TRUSTEE KRUPSKI: The only trees that are going to be removed in this case would be within this, the limits of clearing here. Which is a pretty -- it is a small area.

MR. PORTILLO: We tried keep it as tight as we could.

TRUSTEE KRUPSKI: So even with the distance, it's a challenging lot, as you stated.



TRUSTEE GILLOOLY: Understood.

MR. PORTILLO: And to be honest, I think the driveway, esthetically, we are not taking down all the trees down the driveway. They'll leave some, but, you know, well get into that part, I'll be --

TRUSTEE KRUPSKI: Are there any additional comments from the members of the board or is there anyone else that wishes to speak regarding this application?

(No response).

Hearing no further comment, I make a motion to close the hearing on this application.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the submission of new plans showing a non-disturbance area seaward of the limits of clearing and grading, which are currently noted on the plans dated received March 15th, 2022. Also depicting a drywell for a sump pump out of the basement. And noting that the new project description which was stamped received in the office March 14th, 2022, striking the 50-foot non-turf buffer and changing that to non-disturbance buffer seaward of the limits of clearing. That is my motion.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. PORTILLO: Thank you, Board, have a good night.

TRUSTEE PEEPLES: Number 9, Jeffrey Patanjo on behalf of **JAMES W. KOPHEN TRUST, c/o GLENNA RYAN** requests a Wetland Permit to remove 90 linear feet of existing deteriorated concrete rubble bulkhead and replacement with new natural stone boulders in same location as existing, and with a raised height of 12" above existing; remove existing concrete steps and replace in same location with natural stone steps, overall dimensions approximately 10'x8'; remove all dead and non-native plantings between existing upper concrete retaining wall and proposed replacement natural stone wall, and replace with new low-growing native plantings.

Located: 760 Oak Avenue, Southold. SCTM# 1000-77-1-3

The LWRP has determined that this application is exempt.

The Conservation Advisory Council has resolved to support this application, and recommends the tree to remain and there is no cutting of the natural native vegetation.

The Trustees visited the site on March 9th, during the field inspection, at 12:15 in the afternoon, and noted to add a non-turf buffer to match the neighbor's adjacent to the south. I'm in receipt of plans dated March 16th, that show a ten-foot non-turf. I think the note was that the neighbors do have one there to the south, so if it could line up with theirs, that would be ideal. However this is nice to have here on the plan

the ten feet.

Is there anyone here that wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo on behalf of the applicant. As shown on the -- I think the Conservation Advisory Council had a comment regarding the existing tree. It is noted on the plan to protect the existing tree. It will remain in place. And we have no problem amending the plans to include a ten-foot wide non-turf buffer ten-foot landward of the proposed natural stone boulders. It's not a revetment. I don't know what to call it.

TRUSTEE PEEPLES: I actually see the plans that are stamped and dated March 16th, 2022, do show the ten-foot wide non-turf buffer. So, thank you for resubmitting that.

Is there anyone else here who wishes to speak to this application?

(No response).

Any other comments from the Board?

(Negative response).

I make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE PEEPLES: I'll make a motion to approve this application with the new plans stamped dated March 16th, 2022, and also with the new description that is revised and submitted dated stamped March 16th, 2022, that reads: Project includes the removal of 90 linear feet of existing deteriorated concrete rubble bulkhead, and replacement with new natural stone boulders in same location as existing and a raised height of 12-inches above existing. Remove existing concrete steps and replace in same location with natural stone steps, overall dimensions approximately 10'x8' as shown on plans. Remove all dead and non-native plantings between existing upper concrete retaining wall and proposed replacement natural stone wall, and replace with new, low growing native plantings. Provide ten-foot wide non-turf buffer landward of the proposed boulders.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE SEPENOSKI: Number 10, Jeffrey Patanjo on behalf of **KATHLEEN KNAPP** requests a Wetland Permit to remove and replace 58 linear feet of deteriorated timber bulkhead with new vinyl bulkhead in same location as existing and raise the height 12" above existing; re-face 113 linear feet of existing timber bulkhead in existing location with vinyl sheathing below lower wale and 2"x6" cca sheathing above lower wale; existing bulkhead to remain undisturbed; install two courses of 6"x6" cca timber directly to top whale of existing timber bulkhead to raise height a maximum of 12" above existing for a total length of 294 linear feet.

Located: 2260 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-145-4-4

The LWRP found the project to be inconsistent. The reason given is that the proposed action is listed within a New York State DEC critical environmental area with high quality intertidal wetland located to the north.

The use of CCA wood preservatives in construction project is unsupported by Policies 5 and 6 of the LWRP.

And the Conservation Advisory Council meeting on February 9th, 2022, resolved to support the application of Kathleen Knapp to remove and replace 58 linear feet, as written.

The Trustees most recently reviewed the application on March 9th, 2022, and reviewed the plans.

We are also in receipt of a new project description, is to remove and replace the 58-linear feet of deteriorated timber bulkhead with new vinyl in same location as existing, and raised height 12-inches above existing. Proposed piles and timber to be untreated Greenheart. Reface 113-linear feet of existing timber bulkhead at existing location with vinyl sheathing below lower wale, and two-inch by 10-inch untreated Greenheart sheathing above lower wale. Existing bulkhead to remain undisturbed. Install two courses of 6"x6" untreated Greenheart timber directly on top wale of existing bulkhead to raise height a maximum of 12 inches above existing for a total length of 294 linear feet.

The trustees also received on March 11th an e-mail to Glenn Goldsmith, President of the Board of Trustees, on behalf of Marilyn Smith. It reads as follows: We abutting property owners 100% approve of Ms. Knapp's application. Signed Arthur and Marilyn Smith.

And Theresa McCaskie, to Southold Trustees, regarding the Knapp application, I would like to submit the following comment: Any spoils or soil that have leaked into the basin should be used to backfill the new bulkhead as needed. No new clean fill should be trucked in. Thank you, Ronald and Theresa McCaskill (sic).

Is there anyone here that wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo on behalf of the applicant. This was a carry over from last month. We modified the plan to include Greenheart timbers. And any other questions I would be happy to answer.

TRUSTEE SEPENOSKI: Does the Board have any questions or comments regarding this application?

TRUSTEE PEEPLES: Does that show the ten-foot non-turf buffer? It may not have been --

MR. PATANJO: I don't believe we have -- I don't know. I forgot that folder. But I believe that it's an imperative part of the plan, unless I show them there. I can just shut up.

TRUSTEE KRUPSKI: It's on this, February 22nd.

TRUSTEE SEPENOSKI: This is February 22nd.

TRUSTEE PEEPLES: Okay, thank you. Just checking.

TRUSTEE SEPENOSKI: Are there any other comments or questions?

(Negative response).

I make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE SEPENOSKI: I'll make a motion to approve this application with the new project description stamped March 9th, 2022, to bring it into consistency with the LWRP's comments and concerns.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 11, Jeffrey Patanjo on behalf of **MIKHAIL RAKHMANINE & JENNIFER V. RAKHMANINE REVOCABLE TRUST** requests a Wetland Permit to remove existing timber bulkhead and replace with 131 linear feet of new vinyl bulkhead in same general location and raise the height an additional 18" above existing top cap elevation; a total of 45 cubic yards of clean sand fill will be placed landward of the proposed bulkhead and utilized as fill due to raised height of bulkhead; construct a proposed 4' wide by 48' long fixed pier utilizing Thru-Flow decking over wetlands and non-treated timber decking on remainder which will lead to a 30" wide by 14' long aluminum ramp and a 6' wide by 20' long floating dock with un-treated decking, supported with two (2) 10" diameter CCA piles, situated in an "I" configuration; a 35'x24' dredging area surrounding the proposed floating dock will be dredged to a depth of 36" below mean low water removing a total of 65 cubic yards of spoils which will be removed from the site to an approved upland location; and for a proposed 10' wide non-turf buffer to be installed and perpetually maintained along the landward edge of the proposed bulkhead and consist of beach sand, mulch or pea gravel.

Located: 685 Bungalow Lane, Mattituck. SCTM# 1000-123-3-9

The LWRP found this to be inconsistent, however I believe the inconsistency is based on a previous iteration because the inconsistencies refer to dredging a basin at the end of dock would not address the shallow water depth when navigating to and from the dock.

The Conservation Advisory Council does not support the application to harden shoreline and recommends coir logs and a vegetated buffer, and thru-flow decking on the ramp and dock.

The Trustees most recently conducted a field inspection March 9th, and notes state potential for natural or living shoreline in lieu of the bulkhead. And also noting about a tree that was in line with the proposed retaining wall, and if that would be need to be removed. Subsequently, at work session, we also saw on the plans the proposed non-turf buffer did not extend across the entirety of the property.

Is there anyone here wishing to speak regarding this

application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. I forgot this folder too, so I'm looking at my phone for the plans.

As far as the inconsistency, so we do have on the plans, I think a couple of the things that were mentioned were the thru-flow decking, which is part of the application, when we revised the dock, it originally was a floating dock with some dredging. We modified the proposal to do a fixed dock. We have thru-flow decking over the wetlands area.

The removal and replacement of the existing seaward bulkhead is in-kind/in-place. It's to replace an existing bulkhead that is there. The DEC's comment on that were to remove and replace with a vibration only. There is no open trenching, there is no jetting. It is remove with vibration, insert with vibration, so there is no disruption to the wetlands. All work on that replacement bulkhead is to be done from the landward side, so no work within the existing wetlands.

And on top of that, the installation of the 18-inch tall landscape retaining wall, which I staked out in the field, as you saw during your inspection, is to raise the grade to stop any fertilizers or any whatever it may be from washing into the water body, which also provides a ten-foot wide, a level ten-foot wide non-turf buffer inherently between that retaining wall and the replacement bulkhead which is previously existing.

As far as the tree goes, we will leave the tree in its existing location, no damage to the tree, and we'll just grout the proposed landscape retaining wall around the landward side of that tree.

TRUSTEE GOLDSMITH: Question. You mentioned a retaining wall in grading. But in the plans it doesn't say anything about proposed fill. Do you have any idea how much fill you are proposing?

MR. PATANJO: Well, any of the fill that is there, if you look at the grade there, it's a pretty big slope, so what we'll do is we'll take the fill from in between the two, the proposed and the existing and utilize that on the back side there so there is not going to be any new fill introduced into the site. So it's all existing fill. It's really just leveling out that lower ten-foot level.

TRUSTEE GOLDSMITH: What about, we did inspect it, obviously, the west end of that current bulkhead, it's like six-inches high. You know, it does get higher the further east you go. So that would be conducive, potentially, for a living shoreline type structure, at least in some of it, if not the entirety of it. On the plans here stamped received January 18th, 2022, you show intertidal marsh seaward of the current bulkhead, and high marsh landward of the current bulkhead, below what I guess is currently another retaining wall in between the lower bulkhead and the proposed upper retaining wall.

So I think there could be potentially some alternatives as opposed to a bulkhead for the entirety of this project that may be more appropriate, especially in lieu of putting an upper

retaining wall which would, you know grade off. So you'll have quite a distance between that upper retaining wall and intertidal marsh, with a gentle slope and I believe, if I'm not mistaken, the property to the east did not have any bulkhead at all and had quite a nice vegetated marsh out in front, which if the current retaining wall or bulkhead was not there, would exist on this property as well. Which is what we would like to see back in place.

MR. PATANJO: The DEC had the same comments as you, that's why we had the intertidal marsh and high marsh indications on plan. They had no, and we are right at that final step of getting a permit from them, based on this latest plan that is in front of you. They had objections to us removing the landward bulkhead from the existing, which is separating the high marsh from the actual upper grass area, for lack of better terms. They said that one has to stay in place, leave it, let it deteriorate over time so that area can actually develop into a high marsh planting area and return back to natural, so to say.

They had no objections to, they, if you remember the original plan, the original plan was to extend the seaward bulkhead out all the way up and over more. So we were going another 30 or 40 feet to the east. We scaled that back. We also were going to replace that buffer bulkhead, scale that back to leave that as existing, no disruption to that so we didn't disrupt any of the intertidal marsh or the high marsh plantings. And that goes back to the earlier comment with the remove and replacement of that existing bulkhead along the seaward line, which is going to be removed and reinstalled by vibration methods only, so there is no disruption to any high marsh or intertidal marsh. So it's really a remove and replacement of an existing functional bulkhead for the purpose of longevity of the bulkhead. Don't damage any wetlands plantings, and no replacement of that second bulkhead, the upper retaining wall bulkhead, we'll call it.

TRUSTEE GOLDSMITH: Okay, one other comment while I'm looking at it. It's got proposed thru-flow decking for part of the dock, just a section that covers that intertidal marsh. We would like to see that for the entire length of the dock.

MR. PATANJO: Approved.

TRUSTEE GOLDSMITH: And also, like I mentioned earlier, it's a little, it's not very clear on these plans because it has a proposed ten-foot wide non-turf buffer between the proposed bulkhead replacement and the upper retaining wall, however that ends where the upper retaining wall ends. We would also like to see some sort of buffer go to the entire length of the property, so with the plans here, above that high marsh, so, you know, from the proposed upper retaining wall, east, I guess that is, past the high marsh all the way to the property line, so we need to see that on the plan as well.

MR. PATANJO: So extend out that upper retaining wall on the angle piece --

TRUSTEE GOLDSMITH: No, extend the buffer.

MR. PATANJO: Yeah, yeah, extend the buffer in the same projection as that short section of angled retaining wall, which is by that tree.

TRUSTEE KRUPSKI: So to echo Trustee Goldsmith's comments, my main issue with this is that really, well, the parcel to the west is probably not necessary to have it at all. Where it intersects the dock is when it really becomes egregious and juts out. I think there might be some mild sloughing, say if it were to be removed, but I think ultimately it's not really serving the purpose it's supposed to serve with having high tidal marsh behind it and then low tidal. You are just kind of putting a kind of barrier in there.

I mean I do know we have done a lot of these projects with you where obviously the client always wants retaining walls and bulkheading, but we have done a lot of living shorelines/coir fiber/natural shorelines, what ended up being almost like a mini-restoration with you, and they worked out beautifully. And I personally think this is another perfect example of a place to do that.

MR. PATANJO: Okay. I don't know how to respond to this. I tend to agree with you, but this is the application my client is -- you said it yourself, that this is what they are looking for. They wanted more than this, and I kind of said that's not happening. So I'm trying to work for the environment, with the DEC, with the Trustees, to try to come to a good solution to remove and replace an existing, you know, existing facility there, that is a functional bulkhead. In the DEC's eyes, a functional bulkhead is a permitted replacement bulkhead. So, you know, we are giving the thru-flow on the entire proposed dock. We are also doing the expanded non-turf buffer area and no additional fill added. So it's working two ways to get to an ultimate goal.

TRUSTEE KRUPSKI: I can appreciate that, and obviously we don't design projects for people, but, you know, that upper retaining wall, which will probably eventually become a bulkhead someday, maybe it's possible you can go back and work with your client on that and, you know, expand off of that. Then we can sort of naturalize the seaward side, which would be a little bit, conform to our code a little bit more appropriately.

It might make sense, again, just one Trustee, I don't know if the other members have a similar thought, but it might make sense to try to talk to the client about that possibility.

Because I know people want to protect their property, people kind of want level back yards, there is a lot of that going on. So there is probably something that can be worked out there, but in terms of what exactly is in front of it, I don't think this is appropriate for what we do.

TRUSTEE GOLDSMITH: And to echo Trustee Krupski's point, because you have such a nice intertidal marsh and high marsh already existing, it shows it's not a very high erosion area going on.

So the necessity for a bulkhead diminishes because you already have a nice natural buffer there already.

So if we can preserve or protect or enhance the natural buffer while at the same time allowing your client maybe on the upper end to, you know, get the grading and things like that, I think it's more beneficial for the environment, which is what we are all about.

TRUSTEE PEEPLES: In addition, maybe one thing that might be helpful in the conversation with the client is to look at that neighbor that is, I think to the east, it's very healthy, naturally vegetated grasses there. So it seems if they were to kind of let this naturalize a little bit more, that they would hopefully have that same success. And that's something that I personally as a Trustee would like to see.

MR. PATANJO: On behalf of applicant, I would like to table the application, seeing four heads shake in agreement, and we'll return with a modified application.

TRUSTEE KRUPSKI: Fair enough.

TRUSTEE GOLDSMITH: Anyone else here to speak regarding this application?

(Negative response).

Any further questions or comments?

(Negative response).

Hearing none, I'll make a motion to table this application at the applicant's request.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: At this time I would like to take a five-minute recess, please.

(After a five-minute recess, this proceeding continues as follows).

TRUSTEE GILLOOLY: Number 12, Joan Chambers on behalf of **TIMOTHY & NANCY BURKE** requests a Wetland Permit for the existing 1,332.25sq.ft. One-story dwelling including an as-built 10'3"x11'10 1/2" one-story wood framed mudroom attached to landward side; and for an as-built ±11'9" wide by 20'5' long section and 10'10"x16'11" section of trellis that wraps around the westerly side of dwelling.

Located: 625 Wood Lane, Peconic. SCTM# 1000-86-6-7

The Trustees most recently visited this site March 9th, noting that we were seeking clarification on history of dock and house. And to condition a non-turf buffer on the property.

The LWRP reviewed this application and found it to be inconsistent, noting Policy 6, protect and restore the quality and function of the Town of Southold eco-system. 6.3, protect and restore tidal and freshwater wetland. (A) comply with statutory and regulatory requirements of the Southold Town Board of Trustees laws and regulations for all Andros patent and other land under their jurisdiction.



Also noting the mudroom was constructed without proper permits, and that how the outdoor shower drain is not shown.

The Conservation Advisory Council resolved to support the application and recommends the installation of gutters, leaders and drywells to contain storm water runoff.

Is there anyone here wishing to speak on behalf of this application?

MS. CHAMBERS: Yes. I'm Joan Chambers here to speak on behalf of the Burke's.

Just background on how we arrived here. The Burke's bought the house about five years ago, as it shows now. We started doing plans for renovation of the house, and when I presented it to the Building Department, Amanda Nunemaker pointed out that the mudroom had never been permitted. So I did an application to, as an as-built to get a CO, and of course she referred me to the Trustees because we are about 65, 70 feet away from Richmond Creek there.

So when I put the application in to the Trustees, Liz and Diane pointed out that the house had never been permitted either. So the permit was expanded to include the existing house, as well as mudroom and the arbor that was built.

Even though they issued, the Trustees issued a permit in 1999 for the deck, they never permitted the house.

So the Burke's have actually done nothing to the property except they built the accessory building, which is a whole other issue, which is not yours. So this is just an attempt to CO an as-built mudroom and arbor at this point. We will be coming back with new renovations to this home, and we'll definitely be back to the Trustees for that, particularly because we'll have to remove that waterside deck in order to do repairs to the foundation.

So, you know, I know that future plans don't really work in now, but this is sort of the outline of what is happening on this property. So I'm here to answer any questions.

TRUSTEE GILLOOLY: Do you know if there are already drywells on the property?

MS. CHAMBERS: I have no knowledge of drywells on the property. I would expect there are none, just given the age of the house. But I really do not know. I have not looked for them.

TRUSTEE GILLOOLY: The project description that I have here says that the request is for the existing one-story dwelling.

MS. CHAMBERS: Yes.

TRUSTEE GILLOOLY: So you are seeking a permit for the home as well as --

MS. CHAMBERS: For the existing home, yes. As I said, Elizabeth and Diane of the Trustees pointed out when I put the application in for the mudroom, that the house itself had never been permitted by the Trustees, even though in 1999 they had reviewed it for the deck. So she recommended that we also include in this application the existing footprint, you know, the existing one-story house.

TRUSTEE GILLOOLY: Understood. Thank you. Is there anybody else here wishing to speak regarding this application?  
(Negative response).

Any other comments from the Board?

TRUSTEE KRUPSKI: Just do you want to make that comment or do you want me to?

TRUSTEE GILLOOLY: For the non-turf, I think I have that.

So the Trustees had talked about stipulating a -- we see how beautifully handled the front yard is and we would like to stipulate that that remain a non-turf buffer for the entire area seaward of the home.

MS. CHAMBERS: You mean the front yard, referring to Wood Lane side of the house or the creek side of the house?

TRUSTEE GILLOOLY: The creek side.

MS. CHAMBERS: Sorry, the front yard gets confused on the property. You are stipulating that remains as it is? Is that what you are saying? Or do you want it reverted?

TRUSTEE GILLOOLY: As a non-turf buffer. Currently there is no grass in the front, in the creek side of the yard, so we would like it to remain that way.

MS. CHAMBERS: To remain that way. Yes. When I come back in, I don't know, six months, eight months, whatever, with the plans for the house, I'm going to bring a site plan and we can discuss everything that is going on on the water side of the house. Because we have to remove that deck, and I realize that is really close to their seawall. But we have to do it to access the foundation, because the foundation is failing on that side of the house.

So, um, as I said, we'll address that, but I'll make a note now so I make sure that is included in future plans that we don't plant grass over there.

TRUSTEE GILLOOLY: Okay, thank you. I make a motion to close this hearing.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GILLOOLY: I make a motion to approve this application with the stipulation that all land seaward of the house shall be a non-turf buffer in perpetuity, thereby bringing this into compliance with the LWRP. And to approve this application. That is my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MS. CHAMBERS: Thank you, ladies and gentlemen.

TRUSTEE KRUPSKI: Number 13, **EILEEN B. OAKLEY** requests a Wetland Permit to construct a 71'x80.8' two-story, single-family dwelling with basement; a 24'x36' garage; install a septic system; and to install a driveway.  
Located: 3400 Little Neck Road, Cutchogue. SCTM# 1000-103-9-13.1

The Trustees most recently visited this site on the 9th of March, and noted that the house was slightly within our jurisdiction, however due to the Board's best practice it was forward of the neighboring pier line, which should be discussed at the public hearing and then questions on what kind of septic system would be installed.

The LWRP coordinator found this to be consistent.

The Board found the action consistent with the LWRP in 2019. A 20-foot non-disturbance buffer was required.

The Conservation Advisory Council resolved to support the application with an IA septic system.

Is there anyone here to speak regarding this application?

MR. SEIFERT: Fred Seifert, on behalf of my clients Dan and Eileen Oakley.

So I would like to be here to apply for a, reapply for the permit that was originally approved by the Board in 2019, January, 2019, but has since expired.

When my client started the permitting process in 2019, it was pre-COVID. When they finished their application it was in October of 2021, which was well past into COVID. At that point they decided, because of the uncertainty in the construction industry and the world in general, that they would like to postpone their construction. At that time, since that time, the permit with the Trustees has lapsed. All our other permits are still active, and we are back here to reapply for the permit exactly like it was approved in 2019.

TRUSTEE KRUPSKI: So the issue, and as you know, the Board is a different board from 2019 to now. The issue that we are faced with is this Board in past practice for the lion's share of applications has upheld a pier line between neighboring properties. So living structure to living structure, we try not to block any neighboring properties next to them.

Now, I know, in this case the neighboring property, or I believe, is also the owner of this property, however we universally and routinely have stuck to that practice.

So as applied for currently, I mean, at least myself, I have a little bit of an issue even though it's marginally within our jurisdiction, personally, I would remove it from jurisdiction by two feet and then it could, it would not be up to us to uphold past practice and the code.

MR. SEIFERT: So there is two landward lines on this survey. One that was flagged by others and one that was flagged by the Trustees. We are 110 feet from the landward line of the wetland flagged by others, 98 feet by the one that was flagged by the Trustees.

As you see, all the wetland lines curve, which is very normal for a wetland line. Your wetland line goes completely straight. Just a very, unnatural type of way to have a line. Again, this is the exact same application that was approved, there were concessions that were made at the last meeting and approval that the client has made. And is part of this, again,

application.

TRUSTEE KRUPSKI: So again, it is a different board and, I mean, the other members of the Board can give their opinions, but we have stuck to this pier line in every case. I'm not entirely sure what this decision was based off of at the time. But --

MR. SEIFERT: Okay, so when you say the pier line, you mean the 98 feet?

TRUSTEE KRUPSKI: No, when the Trustees approve or review --

MR. SEIFERT: You mean the neighboring?

TRUSTEE KRUPSKI: The neighbor's two houses. The living structures. So if it were a dock, we'd look at the end of the dock. In this case, because it's a home, we look at the living structures of the home. I think the most, I mean I think there's a few things that I could think of or recommend here, but it might make sense for the Trustees to review that flag line by the Town Trustees three years ago and make sure it is accurate, because we are only talking about two feet here. But otherwise I think that, I mean it would be that or to remove it from jurisdiction to be considered or not considered within that pier line.

MR. SEIFERT: If we are talking about moving the house from 98 feet back to 100 feet, to move it out of jurisdiction, we are fine with doing that.

TRUSTEE KRUPSKI: Right. That would be good.

MR. SEIFERT: We would do that to approve this permit and not have to --

TRUSTEE GOLDSMITH: Well, if you did that, that would, you would not need a wetland permit from the Trustees anymore, you would have to come back to us for an administrative permit for any ground disturbance within that hundred feet. Or we can make this administrative.

So essentially, if you move that two feet, so the structure does not exist within the hundred feet of our jurisdiction, then we could change this to an administrative permit as opposed to a wetland permit, and the only thing that we would be basing a decision on is the same ground disturbance within the hundred feet. Because all the structures would be outside the hundred feet.

MR. SEIFERT: And if I'm understanding this correctly, what Nick is saying, that if we were to go back and look at that wetlands line, that is the straight line across the property, which seems not to co-exist with the other wetland lines, then possibly the line could change and the house could stay as is? Because it still might be out if it's re-staked?

TRUSTEE KRUPSKI: That's correct. There's two, the way I see this, there's roughly two options. We could review that line. I believe that line was flagged based off of a high tide at the time, and some plants in the area? There might have been some *Baccharus* in the area. I mean, normally you don't see it being that straight. So maybe there's two feet of flex there, but I can't speak to that without looking at it.

Or if the house is pulled back two feet, it could be simply converted in the office to an Administrative Permit. It doesn't go through the public hearing process anymore and the Board can vote on it next month that way. So there's two pretty viable options.

MR. SEIFERT: Either way we have to come back next month.

TRUSTEE KRUPSKI: Right. We would need plans to reflect either way, unfortunately.

MR. SEIFERT: Okay, so --

TRUSTEE SEPENOSKI: With option two you would not have to come back.

TRUSTEE KRUPSKI: Right. Option two, you still have to come to the office and convert it, but it would not be a public hearing.

MR. SEIFERT: It would not be a public hearing if it's administrative.

TRUSTEE GOLDSMITH: And in that, we would not be commenting on the house because that house would be outside our jurisdiction.

TRUSTEE KRUPSKI: We would just be commenting on the construction activities.

TRUSTEE PEEPLES: And one other comment to make is, since 2019, for houses and projects of this nature by water or wetland, we would want to see an IA system for the waste water. So that is just something to keep in mind that, now with your decision on how to proceed with the project or the permit.

MR. SEIFERT: So we have a Health Department permit and still active. Right now.

TRUSTEE PEEPLES: Since 2019?

MR. SEIFERT: Well, I can tell you exactly when, but I guess it would be -- we got the Health Department permit, I don't know when we got it, but it's still active, yes. So it was probably after we got a Trustees permit. And yes, it is still active. We reach out to the Health Department they are okay with us installing the system as it is permitted by them. And that's why we wanted to move forward on this project as is.

TRUSTEE GILLOOLY: To be clear, that's a traditional septic system?

MR. SEIFERT: Yes. Which was approved by the Health Department, which is the agency that regulates septic systems.

So I'm just trying to understand which way I should go on this. Because either way, it seems to me they have to wait a month for the next hearing.

TRUSTEE KRUPSKI: Yes, we can't --

MR. SEIFERT: So if I have to choose the option of reflagging, you would come out before the next meeting, look at the reflagging --

TRUSTEE KRUPSKI: That's correct

TRUSTEE GOLDSMITH: Just as a caveat with that, if we determine the flagging is correct and/or went further landward, then you're right back in front of us for a wetland permit.

If you move it back two feet based on the current flagging then you would be an Administrative Permit.

MR. SEIFERT: Right. But the one thing I'm looking at is the 98

feet is at the center of the house. So if you look at the corner closest to, I guess the south corner of the house, it could be more than 98 feet. It's 110 from the wetlands as lined by somebody else, but I'm not sure what that distance, that might be 94 or 90. We could be talking more than two feet.

TRUSTEE GOLDSMITH: So whatever the actual distance is, as long as that structure is more than 100 feet, you would not need to come to this Board for a wetland permit. You would only need to come for the administrative, for activities within the hundred feet.

MR. SEIFERT: So when the previous Board approved this application, the house was ten feet seaward of where it sits now, and they asked for it to go back ten foot more, and asked for increasing the buffer on the non-turf buffer, which we did both of those. So you asked for ten feet back and then you asked for a bigger buffer, we did both of them and I believe, Nick, you were the person who did that at the time. So now you are saying the same exact thing that was asked for is not enough.

TRUSTEE KRUPSKI: Well, again, it's a brand new Board --

MR. SEIFERT: I understand that and I respect that.

MS. HULSE: Sorry, can you let him finish speaking before you start speaking, because the stenographer can't take both of you at once otherwise the record will get a little muddled.

MR. SEIFERT: Sure. Sorry about that.

TRUSTEE KRUPSKI: It's a brand new Board, with three new members. So we could vote on it as applied for, that's a good possibility. But you do have three new members now, you know, things change, boards change, and this Board has been in the habit of, regardless of Health Department septic status, changing applications to IA. That has been, I mean if you look back at prior determinations for I don't know how long now, that has been the Board's habit.

MR. SEIFERT: Even with an active Health Department permit, making somebody go back and change their permit.

TRUSTEE KRUPSKI: That's correct. The Board unfortunately is looking at this from an environmental standpoint. To that point, the Board was on the forefront of making properties go in before the county was requiring it. This went through at the time, I can't speak to the reason why this went through without it, but that is something to consider at this current time.

MR. SEIFERT: So if we take this to Administrative Permit, the sanitary system out of the Administrative Permit.

TRUSTEE KRUPSKI: Yes, because then it just becomes the construction activity, not the house itself.

MR. SEIFERT: Okay. So --

TRUSTEE SEPENOSKI: Construction activity is --

MR. SEIFERT: We would want to see the house on the most southern corner be beyond that hundred feet. It says 98 in the middle but we are talking it's a little on an angle. So if I understand correctly it would push the whole house out of that hundred feet.

TRUSTEE KRUPSKI: Even at 100. Just outside of 100. 101,

MR. SEIFERT: 100 and six inches. Outside of 100.

TRUSTEE KRUPSKI: Right.

MR. SEIFERT: So if we choose to go that route, push if outside of the hundred, make it an Administrative Permit, we could get approval at the next hearing.

TRUSTEE KRUPSKI: That's correct. And the other option is, I would be happy to accommodate this, if you would like it flagged sooner than our next field inspection, I mean would happy to take a look at it. If you wanted to take a look at that flag line.

MR. SEIFERT: I think at this point, um, we are okay with making it an Administrative Permit.

TRUSTEE KRUPSKI: Okay. If anything changes and you or your client want to contact me, I would be happy to run down there in the near future so you have time to reassess how far -- I don't know if the Trustees line is still there, but I would be comfortable reflagging it, then you can use that to make your determination as opposed to waiting until next month when we go out for field inspections.

MR. SEIFERT: Okay, that is very accommodating of your and I'll talk to my client about that and we'll be in touch with you.

TRUSTEE KRUPSKI: All right, very good. Is there anyone else here that wishes to speak regarding this application?

(Negative response).

Or any additional comments from the Board?

(Negative response).

Hearing none, I make a motion to table the application.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 14, Nigel R. Williamson on behalf of **JOSEPH & DEBORAH POLIDORA** requests a Wetland Permit to demolish existing one-story entrance and construct a new 6'x24.6' one-story entrance to dwelling with a basement under (same footprint); construct a new 4.8'x8.9' enclosed addition connecting the existing dwelling to existing 489.25sq.ft., 1.5 story garage; construct a new 4.0'x10.5' covered entry porch; construct a 4.6'x4.6' outdoor shower (open to the sky); demolish existing 8.8'x24.4' seaward side covered porch and construct a new 18.67'x38.0' single-story addition with basement under and 4.0'x4.0' egress window; the total square footage of existing and proposed dwelling habitable area is 1,682.58sq.ft.; construct a new 383sq.ft. stone patio in between the new addition and garage; remove existing cesspool and existing boulder retaining wall closest to dwelling on seaward side, install a new I/A OWTS system with a waterproofed 66.0' long retaining wall with a 19' westerly return and a 17' easterly return to retain the proposed I/A sanitary system; and create a 4.0' wide pervious access path with stepping stones to creek. Located: 1055 Point Pleasant Road, Mattituck. SCTM# 1000-114-1-1

The LWRP found this to be consistent. A few notes. It is recommended that the buffer zone be vegetated and expanded. The IA/OWTS should be relocated to landward of the structure to better protect water quality. And the drainage of the outdoor shower should be determined.

The Conservation Advisory Council supports the application with a non-turf buffer planted with native vegetation.

The Trustees conducted a field inspection March 9th, with notes in the file saying the proposed addition exceeds the pier line and to question the location of the IA system.

Is there anyone here wishing to speak regarding this application?

MR. WILLIAMSON: Nigel Robert Williamson, for Mr. and Mrs. Joseph Polidora.

TRUSTEE GOLDSMITH: So we do have plans here stamped received January 13th, 2022, that show the pier line between the two adjacent residences. And then we also have your proposed one-story addition with basement under, currently exceeding that pier line. Would you care to comment on that?

MR. WILLIAMSON: Yes. The property line is obviously pie shaped. May I go through my notes to see if I can answer your question at some point.

TRUSTEE GOLDSMITH: Absolutely. Feel free.

MR. WILLIAMSON: Because I wrote it down kind of chronological order.

So the existing house, open-rear porch, and the accessory garage have a pre-existing certificate of occupancy, prior to April 9th, 1957. The property is pie-shaped, 51 feet at the roadside, and 107.26 feet on the creek. The two other lots to the west are of similar size. The other lots to the east are wider in width as you go down the creek. And the dwelling, other dwellings in the vicinity are all private wells, private septic systems. Depending on the location of your neighbor's existing system, dictates the possible location of wells and septic and thus restricting options. And I call it particularly just on my client's size with regard to the septic and wells on the neighbors. And I know that she had a site inspection on the 9th and there was a question regarding the location of the IA system. I did go back and I believe that we will be able to relocate it to the front, away from the water side. Okay? And it may, again, I'm talking, I don't know plus or minus six inches to a foot, that I may have to apply for a variance from the Health board because if you look to the, if you look to the property on the west side, which is just a partial outline of their structure, you will see their well is in the front and on home pikes side. I'm sorry, did I answer your question or not?

TRUSTEE GOLDSMITH: Yes. As far as the sanitary is concerned, however, as you just heard with the previous, with the pier line aspect, any comments on that at all?

MR. WILLIAMSON: I'll just continue reading from my notes on the second part.



Regarding the penetration of the pier line, I can only argue regarding 275-11(a)(3), which was amended in 2012, before it was based on the average, with reference the adjoining neighbors and their size lines, and my client, again, with regard to the Trustees issue, on the penetration of the pier line, I can't answer that other than I may not, but regarding the neighbors either side, my clients have spoken to them, and I do know you said neighbors change and everything else, but the neighbors that have been there, I think have been there for an extraordinary length of time. The neighbor to the west, they have a relatively new house. The neighbor to the east, his house is relatively old and no remodeling has been done to it.

So if I comply with the pier line, I would have to bring it back the eight feet on one side, which would give me roughly 10.8 feet in width. That would not, absolutely not be conducive to the new addition, which is a kitchen, dining room and living room, and to remodel the house, and basically would be a demolition job to try to achieve a functional kitchen, dining room, and there is a living room in there that is functional. Because the kitchen is, I can't remember off the top of my head, is about eight feet -- it's about eight feet by eight feet. It's a galley kitchen, double sided. And I mean they would have to demolish the existing house, reconfigure the whole thing, and even if we were to maintain side yard setbacks, we would only gain possibly eight feet of structure on the existing dwelling, as it is now, to comply with Zoning Board.

And so I mean, there is, I know cost constraints is not a factor for you, but for my client, this is really, I guess it really is his only viable choice without constraining him to cost. So that sort of thing.

TRUSTEE GOLDSMITH: Okay. Thank you. Currently, where is the existing septic on this?

MR. WILLIAMSON: The existing septic is where, see where it says "cellar entrance" on the western side, and where it says "proposed drywell," there is an existing septic there, and it is not a compliant septic. It is, and the clients believe it's brick, but worst case it's block. But that's neither here nor there.

TRUSTEE KRUPSKI: As one Trustee, obviously we do not like to see septic moving seaward. However in this case, with, you know, roughly speaking elevation of 22 feet, moving it landward behind the house, maybe you gain four feet. Maybe, you know, maybe six. I find that less offensive because you are changing to IA, so it is a benefit. Granted you are losing, you know, four to six feet of micro-organisms cleaning out that water, but you are gaining an IA, so it's being done internally. I find that quite a bit less egregious than the proposed extension, seeing as this Board has really not exceeded that pier line, in my time with the Board. So for me, that would be pretty difficult for me to see, as one Trustee.

TRUSTEE GOLDSMITH: I concur with Trustee Krupski. We, in my

tenure on the Board have never approved anything that goes further seaward than the existing pier line.

MR. WILLIAMSON: Again, I don't know what they were, but were they site constraints as well, that they couldn't go out either side? I mean I'm just throwing that out there.

TRUSTEE KRUPSKI: I mean we certainly have seen so many that there have been many that were and many that were not. Some people do it for view, some people it is the best option. Unfortunately we can't look at it from that perspective. We are bound by what we are trying to do.

MR. WILLIAMSON: Right, right. And might be throwing an additional buffer area of 20 feet from the property, that's going to be, you would see no value of that versus the pier line?

TRUSTEE GOLDSMITH: There is obviously value to an extended buffer, however it does not negate the fact we are exceeding the pier line. So, I know you mentioned earlier about potentially reworking this to remove the IA, so I think maybe if you could rework it to try to get that proposed addition within the pier line and go back to the drawing board with this one.

MR. WILLIAMSON: Okay.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

(Negative response).

Any other questions or comments from the Board?

(Negative response).

Hearing no further -- you were okay with going back to the drawing board to see if you can speak to your clients?

MR. WILLIAMSON: Absolutely. I would like to go back to my clients.

TRUSTEE KRUPSKI: Just clarifying.

TRUSTEE GOLDSMITH: Okay, so hearing no further comments, I'll make a motion to table this application so you can go speak with your clients and redesign this project.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. WILLIAMSON: Just a quick question. This is tabled to the next meeting, correct?

TRUSTEE KRUPSKI: As of now, yes.

TRUSTEE GOLDSMITH: But if you need to go longer than that, by all means just notify the office. It doesn't have to be in the next meeting.

MR. WILLIAMSON: Thank you.

TRUSTEE PEEPLES: Number 15, Patricia Moore, Esq., on behalf of **FLORENCE VASILAKIS, ALEXANDER VASILAKIS & DEMETRIOS VASILAKIS**, requests a Wetland Permit to install a 12'x26' in-ground gunite pool with a 33'6"x18' patio around pool 64' from top of bluff and install 4' high pool enclosure fencing.

Located: 21625 Soundview Avenue, Southold. SCTM# 1000-135-1-6

The LWRP reviewed this application and found this to be inconsistent.

The Conservation Advisory Council reviewed this application and does not support this due to the inadequate setback of 64 feet, and recommends the pool to be relocated to the east side of the property.

The Trustees visited this site during field inspections on March 9th, and noted that to require a ten-foot non-turf buffer and to ask if there are plans to resurface the deck.

And Patricia Moore met us in the field, and we voiced those comments to her and we are now in receipt of an updated land survey stamped dated March 14th of 2022. And this shows the ten-foot non-turf buffer. It also includes the note that the existing wood deck would be replaced with a block patio, 18'x18'.

Is there anyone here who would like to speak regarding this application?

MR. VASILAKIS: Hi, my name is Alex Vasilakis, one of the owners. I'm just here if anybody has any questions.

TRUSTEE PEEPLES: Great, thank you. Any questions from the Board?

TRUSTEE KRUPSKI: I don't have a question, but I just felt that in terms of, I mean putting the pool up tight against the house, as far as being compliant with multiple code, that was the most pertinent thing I think could think to do, so.

TRUSTEE PEEPLES: Anyone else?

TRUSTEE SEPENOSKI: It's perhaps out of our purview to make a recommendation of this nature, but it's possible you may want to look at the condition of the chimney before you --

MR. VASILAKIS: We are planning to fix that, yes. That's part of the whole project.

TRUSTEE SEPENOSKI: Thank you.

TRUSTEE PEEPLES: Anyone else?

(Negative response).

TRUSTEE GILLOOLY: Actually, just one comment. I know the Conservation Advisory Council had wanted this pool to be relocated to the side of the house, but looking at the existing pier line with the neighbors, we had determined that this would be acceptable.

TRUSTEE PEEPLES: Anyone else?

(Negative response).

I now make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE PEEPLES: I make a motion to approve this application with the new plans dated stamped March 15th, 2022, and also with the new project description as follows:

Proposed inground pool, 12'x26', with a 4' pool fence running 85 linear feet parallel to the top of the bluff from westerly property line to the easterly side of the proposed patio; 10' wide non-turf buffer landward of the top of bluff;

replace existing 18'x18' wood deck with 18'x18' block patio on grade matching existing westerly patio; drywells for pool and patio as required.

And I would like to note that when the Trustees visited the site, we noted that the pool is tight up against the house as Trustee Krupski had referenced. And the fact that it does not sit seaward of the existing patios. And for those reasons we find that that would bring it into consistency with the LWRP. And I believe that's it. And that is my motion.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Motion for adjournment.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

Respectfully submitted by

A handwritten signature in dark ink, appearing to read "Glenn Goldsmith", written in a cursive style.

Glenn Goldsmith, President  
Board of Trustees